

HISTORY
OF TRINIDAD

FROM

1814 TO 1839

BY

LIONEL M. FRASER.



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(SECOND PERIOD)

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LIONEL MORDAUNT FRASER.

Rolando Murray

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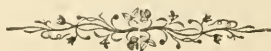
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CHAPTER I.

THE newly appointed Governor of Trinidad belonged to a good old English family, a strong point in his favour in a Colony in which good birth has always been fully appreciated.

Towards the end of the 17th century, Matthew Woodford of New Sarum died, leaving a son, named Matthew after himself, who subsequently became Prebendary and Sub-Dean of Chichester Cathedral.

He married Ann, daughter of John Sherer, Esq., of Chichester, by whom he had a son who also bore the name of Matthew, and who married Mary, daughter of John Brideoke, Esq., by whom he had issue :

1. Ralph—First Baronet.
2. Matthew, D.D. and Prebendary of Chester.
3. John, a Colonel in the Army, who married Susan, daughter of Cosmo George, 3rd Duke of Gordon and widow of John Fane, 9th Earl of Westmoreland, by whom he had two sons, Alexander and John George.

Mr. Matthew Woodford had also three daughters, one of whom in January, 1760, married Peter Thellusson of Plaistow, Kent, and Broadsworth, Yorkshire, and had issue :

Peter Isaac, the first Lord Rendlesham.

Ralph, the first Baronet, was at one time Resident Minister at the Hanse Towns, and subsequently Minister Extraordinary at the Court of Denmark, and for his services was created a Baronet in June, 1791.

He married Gertrude, daughter of ——— Reesen, Esq., by whom he had issue :

Ralph James, second Baronet, born in 1784, the future Governor of Trinidad.

Elizabeth, married in 1801 to John Hammet, Esq.

The first cousin of Sir Ralph, Sir Alexander Woodford, commanded a battalion of the Guards at Waterloo, took an active part in the defence of Hougoumont, and died at an advanced age a Field Marshal and Governor of Chelsea Hospital. He married Charlotte, daughter of Charles Henry Fraser, son of William Fraser who was Secretary of State for Foreign Affairs in Pitt's Ministry in 1783.

Sir Ralph Woodford, the first baronet, was a man of letters and a wit, and had formed one of the brilliant circle of which the celebrated Mrs. Montague was the centre. On his mother's side he was descended from a family noted for genius and loyalty, the Brideokes, one of whom, Dr. Brideoke, was Chaplain to James, 4th Earl of Derby, and distinguished himself at the historical siege of Latham House. He was afterwards made Dean of Salisbury.

When Sir Ralph James Woodford assumed the Government of Trinidad he was in his 29th year, and the mere fact of his having at such a comparatively early age been selected for so important a post is a proof of the high esteem in which he was held by the Ministry of the day. The experience gained from the disastrous results of the Commission Government, and the recent disputes between the Cabildo, the Governor, and the Chief Judge, determined the Home Government to define clearly the powers which were to be exercised by the new Governor, and these were expressed at great length in his Commission.

After declaring that, "so far as circumstances would permit" Spanish law should continue to be the law of the Colony, it was ordered, that all the powers of the Executive Government were to be vested solely in the Governor; that he should have the same powers and privileges as had been exercised by the Governors under the Crown of Spain; that the same Courts of Judicature, both civil and criminal, should continue as had existed prior to the capitulation; that the judicial powers conferred upon the Spanish Governors by virtue of their office should be enjoyed by their English successor with the same authority and jurisdiction, whether appellate or original, which had been exercised by the Court of Royal Audiencia in Caracas. Appeals in civil causes when the sum or

value at issue exceeded £200 were to be made to him, and from his decision appeals were allowed to the Privy Council when the amount at issue exceeded £500,—or for any lesser amount where the matter in question related to the King's prerogative, or to the taking or demanding any duty payable to him, or to any fee of office or annual rent, &c., &c.

There can be no doubt that these extensive powers were conferred upon Sir Ralph Woodford in order to enable him to put an end to the confusion originally created by Fullarton, and which recent events had considerably increased. The task imposed upon him was no easy one for the very first step involved the putting an end to abuses which had almost obtained a prescriptive right to exist, and this was certain to raise up a host of enemies against the reformer.

By far the most important part of his Commission was that which gave to Sir Ralph Woodford all the powers of a Court of Royal Audience, and to understand how much this implied it is necessary to explain the composition of that Court.

According to Spanish Law a Royal Audiencia was a College of Advocates composed and governed according to fixed rules. As an instance : the Audiencia of Caracas which was created in 1787, consisted of a Dean (*Decano Regente*), three *Oidores* (Judges), two *Fiscals*, an *Escribano*, or Registrar, a *Relator*, or Remembrancer, whose duty it was to keep the Court fully informed of everything connected with the causes before it, and an *Escribano de Camera*, or Judge's Clerk.

In Trinidad the jurisdiction of this Court was now to be centred in one man, who, as Governor, Commander-in-Chief and Vice-Admiral already possessed very extensive powers. Under its original jurisdiction he had power to deal with all suits in which widows or infants were concerned (technically termed "*Causas de Corte*"). In all criminal cases he was the Judge of Appeal, and as President of the Royal Audiencia he had a criminal jurisdiction over all offences and crimes, from petty larceny to murder. In the same capacity he had power over the Judges of the inferior Courts who, save when holding direct appointments from the Crown, were removable from office at his option. In the latter case he could

suspend them until the matter was referred to and decided by the Sovereign. He was also Intendant of the Royal Domain, and Judge in all matters connected with the Crown Lands, and, as such, dealt with escheats and other causes to which the Crown was a party. These already enormous powers were enlarged and increased by subsequent Orders in Council, and when at a later period Judge Johnson dedicated to Sir Ralph Woodford his translation of the Spanish Law, he did not at all exaggerate in stating that "He," (the Governor) "had, in addition to his judicial functions, the direction of the whole financial, legislative, and executive machinery of the Colony."

Doubtless, such a system of Government is opposed to the theories of the present day, but Trinidad certainly did not suffer from Sir Ralph Woodford's administration; and it is a fact, as worthy of note as it is incontrovertible, that even in more recent times those periods during which the Colony has been blessed with Governors of ability and possessing energy enough to *govern* and to refuse to be *governed*, have been periods marked by progress and prosperity.

From the day of his arrival it was clear that Sir Ralph intended to hold the reins of Government in his own hands, to see with his own eyes, to hear with his own ears. He carried on a constant correspondence with the Heads of Departments, and that, not through a Secretary, but with his own hand, so that the whole machinery of the Government was under his immediate control.

The following letter which he addressed to the Surveyor-General a few days after his arrival will serve to show how speedily he had assumed the position he ever afterwards maintained:—

PORT-OF-SPAIN,
22nd June, 1813.

SIR,

As Surveyor-General of the Colony, I am to call your attention to your duty in that particular, and which requires your utmost exertions before the season advances too far. The Commandants of Quarters have received my orders to repair the roads in their respective districts, and whenever a defaulter is found it will be your duty to report him; at the same time you will supply the defect and charge him with the expense, and this in the most summary manner. You will render to

me a report of the state of the roads on the 30th instant, and on the 15th of next month, and will prepare for my consideration and approval a draft of such regulations as you shall deem proper for the enforcement of a strict obedience to my orders.

RALPH WOODFORD.

E. Maingot, Esq.,
Surveyor-General.

On the 21st June, the Governor took his seat for the first time as Corregidor, or President of the Cabildo. In his opening address he declared that he would always support that Body in the exercise of its functions so long as there was no attempt to interfere with the Executive, or to "reproduce those regrettable discussions which had already done so much mischief." There could be no misunderstanding either the allusion contained in these last words, or the warning they were intended to convey. It was quite clear that the new Governor would not tolerate any interference with him as Chief of the Executive, and that he intended to intimate in civil but unmistakable terms, that so far as it claimed any power of control over him as Governor the Illustrious Board was defunct.

A still greater surprise was in reserve for the public. On the 16th of August, the Governor and Council assembled for the transaction of business when Sir Ralph informed the Board that he had examined the accounts of the Committee appointed to control the expenditure of the £50,000 voted by Parliament after the fire of 1808. From those accounts it appeared that the Gaol, still uncompleted, had already cost close upon £30,000, and that £24,000 would be required for the completion of the Protestant Church. Under these circumstances the Governor said, that pending further instructions from the Home Government, he had stopped the further progress of these works.

After the Order of the Day had been disposed of, the Governor stated that he had received despatches from the Secretary of State with regard to the differences which had occurred between General Hislop and Judge Smith, the tenour of which he had been instructed to communicate to the Board. From these despatches it appeared that the whole question had been in the first instance referred to the

Privy Council. As, however, General Hislop had brought no charges against the Judge, and the latter had declared that he had no desire to make a formal complaint against either the Governor, the Council, or the Cabildo, provided he were at once re-instated in the full enjoyment and exercise of all the powers of his threefold Commission, the Lords of the Council had stated that, "they felt themselves relieved of any other consideration than that of the prayer thus made by him." On a careful revision of all the circumstances connected with the case, their Lordships came to the conclusion that Mr. Smith had shewn, "a great want of the temper, discretion and tact, so peculiarly required in the position he held, and therefore they could not recommend to His Royal Highness the Prince Regent that he should be re-instated."

In order to fully appreciate this episode it is necessary to remember that the Council now addressed by Sir Ralph was composed of the same men who two years previously had supported the action of the Cabildo in suspending Judge Smith, and that some of its members had held seats at the Board since the day it was first summoned by Picton in 1801. The senior member, Nihell, had filled offices of trust under the Spanish Crown and after the capture of the Island had been appointed Chief Judge, an office which he had retained until 1809, when removed to make way for Mr. Smith. Next in seniority came Bégorrat, the personal friend of Picton, who had upheld the privileges of the Cabildo against the attacks of Fullarton and his party, and Black, who had so boldly resisted the First Commissioner in the case of the Escribano De Castro. The other members of the Board were men of standing in the Colony who had played no inconsiderable part in its history, and who, in common with the older members, looked upon themselves as identified with the Executive machinery of its Government. These men naturally heard with unmixed satisfaction that Mr. Smith was not to return to his post, and they had already begun to congratulate each other upon their success when the Governor called upon them to listen to another despatch from the Secretary of State, thus worded :—

"The view taken by the Privy Council has been adopted by the Prince Regent, who, however, on a review of all that has occurred, has come to

the conclusion that the same want of temper, tact and discretion, which has been shewn by Judge Smith has been equally apparent in the Members of His Majesty's Council whom he therefore directs shall be removed from their seats, His Majesty having no further need of their services."

The official minutes of the Council only furnish a dry recital of what took place on this occasion, but it is easy to imagine the scene which followed this most unexpected *denôuement*. The unseated members left the Council Room with mingled feelings of surprise and indignation, and being men of position and influence found no lack of sympathy in the hour of their humiliation.

At first sight the course taken by the Prince Regent may appear harsh, but on the other hand it must be remembered that the Members of the Council had pursued a line of conduct towards the late Chief Judge which could not but give umbrage to the Government by which Mr. Smith had been appointed. It was asserted at the time, and has been very generally believed, that it was Sir Ralph Woodford who first suggested the dissolution of the old Council in order to replace the outgoing members by men more likely to prove subservient to him. Of this there is no evidence, but it is likely enough that he was not sorry to be relieved of advisers who on more than one occasion had shewn that they could be very firm in opposition, and to most of whom it was more than probable his almost absolute powers would be highly distasteful.*

The Government was carried on for several months without the assistance of a Council, but towards the end of the year the following gentlemen were appointed in the place of the members who had been removed :—Lawrence Nihell, Esq.; Don Manuel Sorzano; General Count Loppinot; Wm. Hardin Burnley, Esq.

At this Board the principal elements of which the Colony consisted were fairly represented. Don Manuel Sorzano was a Spaniard, Nihell an Irish settler under the Cedula of 1783. General Loppinot was a French Royalist, and Burnley an English-American, and it would have been well for the Colony if Sir Ralph Woodford's successors had always been as impartial in the selection of their advisers.

* It was this notion that Sir Ralph had procured their removal which caused the hostility to his measures which Bégorrat showed in a marked degree some years later.

During the interval which had elapsed between the dissolution of the old Council and the formation of a new Board, the Governor had not not been idle, and among other matters had paid particular attention to the complaints of the mercantile members of the community, to whom annoyance as well as pecuniary loss was caused by the disordered state of affairs on the Mainland. In order as much as possible to remedy this very serious evil, Sir Ralph wrote to the Admiral on the Station, Sir Francis Laforey, in the following terms:—

TRINIDAD,

——— *Sept., 1813.*

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“I must however entreat your kind attention to us in the very unprotected state we are in and to the daily increase of the maritime and territorial power of the insurgents on the Spanish Main whose piratical acts are extended to the seizure of boats and trading launches of the Royalists at anchor on the coasts of this Island, thus insulting the King’s territory and preventing all intercourse with the inhabitants.

The temptation furnished to the slaves to obtain their freedom by desertion to the country in revolt, is facilitated by the uninterrupted course of their boats in the Gulf which has had only about ten days naval protection since my arrival in the early part of the month of June. If, therefore, you could favour us with a small boat which would remain entirely in the Gulf, and which perhaps you could more easily afford than one of a larger class, you would add much to my ease as well as to that of the inhabitants in general, particularly on the distant parts of the coast. We hear from Margarita that a Spanish frigate and five transports with 1,200 men from Cadiz, have passed from that Island to Puerto Cabello where Monteverde is blockaded by the insurgents. I sincerely hope they may change the state of affairs, for this Island is a great sufferer by it.”

I have, &c., &c.,

RALPH WOODFORD.

It was not only of the patriots that the merchants of Trinidad had cause to complain. The Commanders of the Royalist vessels committed outrages as gross and far less excusable, and the Governor, not

having any Naval Force at his disposal, could only remonstrate with them. The following letter is a specimen of the kind of outrage of which he had but too often to complain :—

GOVERNMENT HOUSE,

9th November, 1813.

SIR,

It having been reported to me that the Spanish launch Rosario has been taken possession of by H. C. M. Vessel under your command. The said launch being under the protection of these batteries, I have, in the name of the King my Master, the ally of H. C. M. whose Officer you are, to demand the restitution of the said launch with such of the crew and other appurtenances of the vessel as you may have possession of, and in the event of your refusal to comply with this demand, I shall take such measures as I may judge most advisable for the insult you have committed upon the King's territory.

RALPH WOODFORD.

The Officer Commanding,

H. C. M. Vessel, Nuestra Señora de las Nieves.

Whilst thus asserting the inviolability of the Island and the waters surrounding it, Sir Ralph Woodford was not forgetful of the interests of its chief town.

Not long after his assumption of the Government he addressed the following letter to the Senior Alcalde of the Cabildo :—

DEAR SIR,

1. I have to suggest, for the consideration of the Board, the present state of the Cabildo Road from St. Ann's bridge. The whole requires immediate repair so as to secure the lives of His Majesty's subjects from further danger, and, as the best materials are close to the road, I think the Chain Negros, with the assistance perhaps of those of the Colony, will, under a proper driver, answer at present the purpose. I have directed Mr. Maingot to trace a path for a new Cabildo Road so as to avoid the irregularity of ground.

2. The Chief of Police made himself acquainted, by my desire, with the vendors of rum and privately noted their names, which have been since compared with the list received from the Secretary of your Board, and by which there appeared a considerable difference in names and numbers. Mr. Jesse has since ascertained by inspection of the receipts of the

parties that his own list is nearly correct, so that forty-three licenses were granted for the present quarter.

3. An active Alguazil appears to be required for the market places, and the superintendence of a Regidor according to the provisions of the Spanish Law, is necessary if order and regularity are desirable.

4. I shall be happy to hear that the debts have been collected. I intended to have presented to the Board a plan for a temporary wood market which Mr. Maingot has prepared, and I wished the licenses to have been given to-day and a notice published that none others must be allowed; the wood for fuel is at present bad in quality and exorbitant in price, and requires some regulations to improve the former and moderate the latter.

5. I have received a letter from the Provost Marshal acquainting me that he had appointed some person to act as Gaoler and desiring my approbation, but as he dismissed the former one at his pleasure he cannot require my sanction to a change. I am not an advocate for deputies, still less for substitutes to those deputies, and as the Provost Marshal is very frequently obliged to absent himself on his various duties, I cannot but think the whole care of the Gaol should be placed under the Cabildo.

I have, &c.,

RALPH WOODFORD.

Jas. Cadett, Esq.,

Alcalde of the First Election.

The duties imposed upon Sir Ralph Woodford were many and various. One of the titles inherited by the British Governors of Trinidad from their Spanish predecessors, was that of "Royal Vice-Patron of the Holy Roman Catholic Church," and as in those days (previous to Catholic Emancipation), no Catholic could be Governor of a British Colony, the title seems somewhat incongruous. It had been held by the Spanish Governors as the representatives of the Kings of Spain on whom the title of Royal Patron of the Church had been conferred by Pope Julius II. (in a Bull, dated 28th July, 1508), in consideration of the services rendered by Ferdinand and Isabella in both the Old World and the New, by driving the Moors out of Spain, and by planting the Cross in the newly-discovered lands beyond the seas.

The office of Vice-Patron was not only one of dignity; it possessed many well defined powers and duties which Sir Ralph

Woodford exercised with more strictness than any of his predecessors, whether Spanish or English. On grand occasions, such as New Year's Day, and the Festival of Corpus Christi, he attended the celebration of High Mass in State, accompanied by a brilliant staff, by the Members of the Council, and of the Illustrious Cabildo, and the effect produced on these occasions is yet spoken of by the few survivors who remember those days. Government House was then situated at the north-west corner of Brunswick Square, and, on the days mentioned the streets leading from thence to the Catholic Church, then standing on the spot now called Columbus Square, were lined with troops, both Regular and Militia. A Guard of Honour was drawn up in front of Government House to receive the Governor, who arrived from his residence in a carriage drawn by four horses, preceded by out-riders and accompanied by mounted *aides-de-camp*. Assembled in the Council Room, were the Members of Council, the Board of Cabildo, and the principal Public Officers, all in uniform, robes of office, or Court dress. A procession was then formed which was closed by the Illustrious Cabildo headed by the Governor with his wand of office as perpetual Corregidor. In this order the procession went through the streets, the troops presenting arms as the Governor passed. At the door of the Church the Governor was received by the Clergy and conducted to a Chair of State prepared for him. At the Elevation of the Host the troops presented arms and a salute of twenty-one guns was fired from the Sea Fort Battery, and at the conclusion of the ceremony the procession returned to Government House in the same order.

Nor were the functions of the Royal Vice-Patron confined to the observance of mere ceremonial. In accordance with the Spanish Law and the Bull of Pope Julius, the final confirmation of all ecclesiastical appointments within the Island lay with him, *i.e.*, the Ordinary made an appointment to a vacant parish or benefice, but his nominee had to be confirmed in the office by the Governor, as Royal Vice-Patron, before he could enjoy its revenues. Unfortunately, all the early Ecclesiastical Records except the Registers of Births, Deaths and Marriages, have disappeared; and the manner in which Sir Ralph Woodford exercised his powers as Royal Vice-Patron can only

be judged of from the official correspondence. From this however it is clear that he took a very active part in all matters affecting the temporal welfare of the Church.

The following Official Notice is a proof of this :—

GOVERNMENT HOUSE,

1st February, 1814.

“It having been represented to His Excellency the Governor that certain sums, to a considerable extent, have for a long period remained due to the Holy Roman Catholic Church from the heirs and executors of pious deceased persons, either on account of legacies bequeathed by them, or dues to the Church on interment, the Governor and Royal Vice-Patron has been pleased to approve of the report made to him by his Ecclesiastical Judge, and all persons are hereby called upon to pay, within three months of the date hereof, into the hands of such persons as may be appointed for that purpose, the sums due by them as above-mentioned.

His Excellency has named Messrs. John Nihell, Aaron Jesse, Abraham Pinto, M. Sorzano, F. Salazar, J. Alcazar, F. Peschier, V. Patrice and M. Francesci, a Committee for carrying these dispositions into effect, and they will meet, together with the Ecclesiastical Judge and Vicar, from time to time in a convenient place, to make the necessary arrangements for pursuing the claims of the Church hereinbefore stated, and they will all assemble at the Government House on the 1st day of May next, to report to His Excellency the amount of the sums which may have been recovered or which may remain due, together with such observations and regulations as they may together judge proper to be laid before His Excellency, for the future support and due observance of the rights and privileges of the sacred trust committed to their enquiry.”

By Order,

P. REINAGLE,

Secretary.

The above is but one of many documents still in existence, some of which will be referred to in future chapters, and which prove the high position which the Roman Catholic Church held in Trinidad in the first quarter of this century. How that position was usurped by a rival, and, (to the bulk of the population) an alien Church, will be seen in due course.



CHAPTER II.

AMONGST the many important matters which occupied the active mind of Sir Ralph Woodford, was the question of ensuring an adequate supply of labour, which has always been a serious difficulty in the West Indian Colonies, and which, although partially solved, still exists in most of them.

There is no need to go over again the oft travelled ground of early history ; to recount the sufferings of the Aborigines who, before the arrival of the Spanish Conquistadores, had never known what labour was, and whose subsequent wretched condition so moved the benevolent Las Casas, that in order to put an end to the misery of the Indians, he, undoubtedly with the best intentions, originated the African Slave Trade. For over two centuries from the date of their introduction to the New World, the children of Africa, torn by force from their native wilds, had toiled in the cane-fields of the West Indies, and although it is now generally admitted that the tales of brutality and senseless cruelty current in the early days of the Anti-Slavery movement were greatly exaggerated, there is yet ample evidence, that apart from its inherent iniquity, the system of slavery was disgraced by such inhumanity as called for its immediate abolition.

Colonization by the introduction of slaves was a failure, as was fully proved by the fact that the labouring population could only be maintained by constant importations from Africa, and this furnished one of the strongest arguments used by the abolitionists, but unfortunately it was also the strongest incentive to the planters to resist the abolition of a trade without which in a very few years their estates would be unworkable for want of labourers.

The stringent legislation which, not without strenuous opposition, was enacted by Parliament at the commencement of the century

had rendered it extremely difficult to maintain anything like a sufficient supply of labour in the West Indian Colonies of Great Britain. The creation of new estates became almost impossible, and the the proper working of those already in existence extremely difficult. The consequence was that the sugar planters saw before them speedy and utter ruin which could scarcely be delayed even for a brief period, and was inevitable unless some efficient remedy could be discovered. This alarming prospect was especially clear to the planters of Trinidad, who for many reasons were utterly unprepared to cope with so grave an emergency. The petition presented to Parliament in 1807, by the merchants and others interested in Trinidad, contained all the arguments which could be urged why that Colony should not be subjected to the operation of the Bill for the Abolition of the Slave Trade, and from the planter's point of view the case was undoubtedly a strong one.* To all who were unbiassed by their own interests it was however evident that the petition must meet with a refusal. The nation had determined that the Slave Trade should be abolished, and, however exceptional might be the circumstances of any one Colony, however certain the ruin the measure might inflict upon that Colony, no difference between its treatment and that of the others could be tolerated.

Sir Ralph Woodford had not been long in Trinidad before he perceived that no time was to be lost if the threatened danger was to be averted, and in June, 1814, he requested each Member of his Council to furnish him with suggestions for a scheme by which free labourers might be induced to settle in the Island, and particularly drew their attention to the neighbouring continent as a recruiting ground. In accordance with this request each Member of the Council sent in a report upon this important question. These reports are all to be found in the Minutes of the Council, but can only be summarized here. Mr. Bigge, who had recently been appointed Chief Judge, expressed himself strongly in favour of the introduction of European settlers, and proposed to take advantage of the approaching reduction in the army consequent upon the cessation of hostilities, by offering to dis-

* *Vide* Vol. 1, p. 279.

charged soldiers grants of land to be cleared for them at the cost of the Crown. Apart from many other objections this would have been a very costly way of introducing a body of settlers whose future utility either to themselves or to the Colony, was at the best highly problematical. Mr. Nihell, whose practical experience in the Colony gave great weight to his opinion, suggested that labourers should be brought from Africa to work under a ten years' indenture. He, also, was in favour of holding out encouragement to discharged soldiers and others, to settle in the Island, and agreed with the Chief Judge that their grants of land should be cleared for them. Don Manuel Sorzano, who had held the important post of *Contador de ejercito*, or Treasurer of the Military chest, under the Spanish Government, strongly opposed the introduction of free labourers from the Main, who he described as "a dangerous and criminal class;" but it must be remembered that Don Manuel was a Spanish Royalist of the most thorough type, and was alluding to men who were the thews and sinews, the very life and soul, of the patriot army by which South America was slowly but surely being freed from the yoke of Spain. He also objected, and with reason, to the clearing of the grants before location, on the ground of the enormous expense which must certainly be incurred in the hope of a most uncertain result. In his opinion the surest and cheapest plan would be the extension and improvement of the means of communication throughout the Island, so as to facilitate the settlement of the more remote districts and thus cheapen the cost of necessities to the working man, with the natural result that the population would increase by a continually augmenting influx of labourers from other countries.

General Loppinot, who was a French noble of the *Ancien Régime*, expressed, in forcible terms his conviction that the abolition of the Slave Trade would be the ruin of the Colony, the lands of which he maintained could never be cultivated by free labour. His report is not only interesting, but amusing from its extreme frankness. He condemned in the most unmeasured terms the new fangled notions then just coming into vogue, and which in his opinion were both ridiculous and dangerous, and which had now culminated in the proposal to abolish the Slave Trade. The report of the junior member

of the Board, Mr. W. H. Burnley, the friend and *protégé* of Judge Smith, possesses peculiar interest at the present day from the evidence it affords, that, so early as 1814, he had conceived the first idea of that scheme for introducing labourers into Trinidad, which thirty years later (mainly through his advocacy and support) was to save the Colony from the danger with which it was then threatened. After expressing his conviction that with a sufficient population Trinidad could supply all the Islands of the Carribean group with cattle and grain, he stated that he was strongly opposed to the introduction into the Colony of Peons (free labourers) from the Spanish Main, regarding them as a dangerous and objectionable class, and that as to Africans, although robust and hardy, they were so grossly ignorant that they required to be taught everything they were to do. After these preliminary remarks he continued his report in the following words :—

“ Upon serious reflexion I am fully convinced that from Asia alone is to be derived the population we require.”

He then proceeded to point out the great advantage of introducing a docile and intelligent class of labourers, already accustomed to agriculture, to whom the climate would present no drawbacks and whose very prejudices of caste would keep them from combining with the slaves, who, so long as slavery should exist, would be always more or less disposed to revolt, and he stated his belief that Asiatic immigration would not only suffice to bring the whole Island into cultivation but would eventually “ banish the baneful system of slavery.”

Mr. Burnley entered at great length into the details of his proposed scheme. Much that he said shewed that he had not foreseen the numerous and serious difficulties which would attend it, but his report affords proof of careful research and mature reflexion. Those who are now reaping the benefits which have resulted to Trinidad from Asiatic immigration should not forget that it was he who in 1814, was the first to suggest its adoption.

At that time, however, neither his plan (nor any other proposed) was adopted, and it was only many years later that an absolutely empty Treasury compelled the Government of the Colony to take it into serious consideration.

In spite of the fact that peace (soon however to be disturbed) had been proclaimed in Europe, the war between the Royal troops and the patriots in Venezuela was still dragging on with alternate success and defeat on both sides, and often produced curious results in Trinidad. On one occasion Sir Ralph Woodford received official information from the Royalist commanders in Venezuela, that a correspondence was being carried on between the patriot leaders in that country and some of the exiles through a highly respectable merchant of Port-of-Spain of the name of Littlepage, who had business relations with the little town of Guiria. On receipt of this intelligence Sir Ralph sent an *aide-de-camp* to Mr. Littlepage, requesting that the letters that gentleman had that morning received from his correspondents should be at once forwarded to him for perusal. It so happened that at the moment all the leading merchants of the Town were collected and were discussing the news just arrived from Venezuela. Emboldened by their presence, Littlepage refused to give up the letters and the *aide-de-camp* returned to report his want of success. Had Mr. Littlepage reflected he would surely have remembered that although the stern rule of Picton had passed (and indeed for that very reason he should have been more upon his guard) it was most unlikely that the Governor would have given an order so unusual if he were not certain that he had sufficient authority to do so. He soon found out that Sir Ralph Woodford had as strong a will as his more impetuous predecessor. In a very short time the *aide-de-camp* returned, not with a request, but with a peremptory order for the immediate delivery of the letters. Littlepage felt that to give way now would be to place himself in a ridiculous position, and being still upheld by the presence of his friends, determined to brave the matter out. His only reply therefore to the order of the Governor was to tear his letters into shreds in the presence of the officer who had brought it. For this conduct he was summoned before the Council at its next meeting, when the Governor administered to him a most severe rebuke. He was informed, that as Chief of the State, the Governor was empowered to examine the private correspondence of any individual in the Colony if there was reason to believe it contained matter

which in any way endangered the public safety. By refusing to give up his papers, and by subsequently destroying them, he had rendered himself a "suspected" person, and, as such, liable to banishment from the Colony; "a punishment" concluded the Governor, "I have not inflicted, solely out of consideration for your wife and family and for the good character you have hitherto borne."

As any tampering with private correspondence is peculiarly obnoxious to English ideas it is well to mention at once the Law under which Sir Ralph acted on this occasion. By the 7th Law of the "*Recopilacion de las Leyes de las Indias*," Title 16, Book 3, the opening of private letters by any persons, lay or ecclesiastical, no matter of what rank or position, was positively forbidden under the severest penalties: banishment for ecclesiastics, forfeiture of their posts for civil or military officials; flogging and the galleys for all of inferior rank. The Viceroys and Governors of Colonies, as appears from the text of the Law were specially charged with its observance:—"And *they* (the Viceroys and Governors) shall not in any case open or detain any letters or despatches UNLESS there be evident cause to suspect a crime against God our Lord or some danger to the State."

Matters of more importance than this soon occupied the Council. It has been already stated that shortly after his arrival in the Colony, Sir Ralph had thought it right to suspend the works at the Gaol and the Protestant Church, on account of the heavy expenses already incurred and which had nearly exhausted the Parliamentary Grant. He had also named a Committee of Council to examine and report upon the accounts of the Building Committee originally appointed by General Hislop. After a considerable delay the Committee sent in their Report which was to the effect:

"That there existed no possible method within the power of the Committee of obtaining sufficiently satisfactory information to enable them to make a Report on the expenditure of the £50,000 Grant, nor of at all coming at anything like the truth of the different transactions attending the same but by a regular examination with written interrogatories to be addressed to the late Chairman of the Public Buildings Committee, that person having declared himself unable to furnish the Committee with the copies of his orders to the Agent, and the Agent having evaded complying with the requisition of the Committee."

The course suggested was adopted, and the final Report was transmitted to the Secretary of State, with an expression of opinion on the part of the Council, "that Mr. Marryat should be dismissed from his office of Agent for the Colony. . . ."





CHAPTER III.

ALTHOUGH Mr. Marryat has been frequently mentioned in previous chapters as the recognized Agent of the Colony, the circumstances connected with his original appointment to that office have not as yet been related, and it is necessary for several reasons that this should be done. The recommendation of the Council led in a short time to very serious results, and it is but fair that everything connected with Mr. Marryat's official connexion with Trinidad should be mentioned, more especially as he was the founder of a house whose commercial transactions with the Colony have existed for nearly a century.*

When, in 1802, it became known that Trinidad would be finally ceded to Great Britain, Lord Hobart, the Secretary of State for the Colonies, addressed the following letter to General Picton, then Governor of Trinidad :—

DOWNING STREET,

4th February, 1802.

SIR,

As the cession of the island of Trinidad to His Majesty, whenever it shall finally be made, will necessarily give rise to the consideration and discussion of various objects of the greatest consideration to the inhabitants, I need scarcely advert to the importance of their having in this country some person of character and abilities through whom they may be enabled to make the different communications and representations to His Majesty's Ministers which cannot fail to be necessary or desirable in forwarding the business of the island through the several departments of Government. At the same time I am sure you will see that nothing can tend to facilitate the object of such an appointment more surely than the nomination of a person who is not only conversant with business, but personally acceptable to the King's Ministers. I shall therefore, without

* This chapter would have found its place more fittingly in the first volume of this work. Unfortunately, it was only after that volume was published, that the Letter Book of Mr. Marryat as Agent for the Colony was placed at my disposal by his grandson the Hon. A. P. Marryat.

pressing on you any further observations, take the liberty of telling you that it would afford me great satisfaction, if by your means, the inhabitants of the Colony would be induced to appoint as Agent of Trinidad, Mr. Charles Cameron, who most fully merits the description I have made of the person best suited to the important charge of the interests of the island in this Country. Mr. Cameron is at present employed in the administration of the Civil Government of the island of Malta as His Majesty's Commissioner, and he will necessarily return to England soon after the conclusion of the definitive Treaty of Peace. In adverting to the salary which it may be thought proper to annex to the appointment, I would only observe that Mr. Cameron (should he be so fortunate as to be approved of by the inhabitants) would by no means expect, in the present infant state of the trade and produce of the Colony a remuneration equal to that which its increased property and consequent increase of business might be supposed to warrant; at the same time, as even now the Public Revenues are in a flourishing state I should trust that the Island would not be disposed to offer less than £500 *per annum*.

I have, &c., &c.,

HOBART.

The necessity for having an Agent in England to transact the business of the Colony had been felt very soon after its occupation by the British troops. In December, 1801, Picton with the advice of his Council, had named to that post a Mr. William Knox, who at that time held also the joint-offices of Agent for New Brunswick and Dominica. In 1803 Mr. Knox resigned, and Lord Hobart's recommendation of Mr. Cameron was then laid before the Council, and that gentleman was appointed at a salary of £600 *per annum*. He was shortly afterwards (in 1804,) named Governor of the Bahamas, and Lord Hobart then recommended a gentleman of the name of Maling as his successor, who was duly appointed. He does not seem to have ever performed any of the duties of his post or even to have had any correspondence with the Colony. This may possibly have been due to the fact that although the appointment was apparently a very good one, it was purely honorary for the very excellent reason that as has been shewn in previous chapters the Colonial Treasury was absolutely empty. However this might have been, the Governor and Council in 1805, thought it advisable to employ an Agent who would take some real interest in the matters entrusted to him, and they accordingly commissioned Mr. Gloster, the Attorney-General of the Colony to proceed to England, specially charged to lay before the

Home Government its critical position with regard to its finances.

Mr. Gloster's absence could not be a long one, owing to his official duties and his private business, both of which required his presence in the Island, and when the date fixed for his return drew near, it was found necessary to appoint some one in his place, Mr. Maling still remaining oblivious of, or indifferent to, his connexion with the Colony. Accordingly, at a meeting of the Council, held on 25th June, 1805, it was unanimously decided to appoint Mr. Marryat to be the Agent for the Colony. Of this appointment he was duly notified, and Mr. Gloster after handing to him all the instructions he had received from the Governor and Council of Trinidad, formally introduced him to Sir George Shee, Under Secretary of State for the Colonies, and to Mr. Chalmers, Secretary to the Board of Trade. The validity of Mr. Marryat's appointment was not disputed at the time, and during the next three years he was in constant communication with the Colony as its Agent, and frequently appeared at the Colonial Office, and before Parliament, in that capacity.

In May, 1808, Lord Castlereagh, who was then Secretary of State for the Colonies, wrote to General Hislop, refusing to receive any official communications through Mr. Marryat, threatening to surcharge the Governor with any sums which might be paid to the latter by way of salary and ordering him to consider Mr. Maling as the Agent for the Colony. Those were eminently the days of official jobbery, and it is very evident that Mr. Maling had been nominated to serve some private or political purpose, for he was an old and very infirm man, quite unfit for any post requiring energy or activity. The only clue to the secret of his nomination is to be found in one of Mr. Marryat's official letters in which he speaks of its being due to the fact that one of Mr. Maling's daughters was married to "a certain noble Lord."

As soon as he was informed of this action on the part of Lord Castlereagh, Mr. Marryat addressed the following letter to his Lordship :—

29th June, 1808.

MY LORD,

Measures have been taken in the office over which your Lordship presides, with the view of superseding my appointment as Agent for the

Colony of Trinidad, which I am inclined to believe your Lordship could only have been led to adopt by being under some misapprehension or misinformation of the real circumstances of the case. Justice to your Lordship therefore, as well as to myself, makes it necessary for me to state them for your consideration. The appointment in question was conferred upon me by the unanimous vote of the Governor and Council of that Colony, on the 25th of June, 1806. Since that period I have been in habits of constant communication by letter with the Committee of Correspondence of the Council, and have regularly discharged all the duties of the Office. During the discussions which took place in Parliament respecting the abolition of the Slave Trade, Lord Eldon at my request presented to the House of Lords the petition of the planters of Trinidad which I prepared, and Mr. Rose did the same with the petition to the House of Commons. Indeed, the latter was signed by myself alone in the capacity of Agent, as the Jamaica petition was signed only by Mr. Lyon, Agent for that island. Could any objection therefore have been taken to my right to act in that character, and I certainly had no particular courtesy to expect from His Majesty's Ministers, there would have been no petition at all before the House. I have constantly attended the meetings of the Committee of West India Planters and Merchants; I have been on most of the deputations from that body to His Majesty's Ministers as Agent for Trinidad, and in short have taken an active part in every discussion upon West India topics, both in and out of Parliament.

A few months ago I was apprized by Captain Holmes, late Secretary to the Council of Trinidad, that Mr. Cooke had asked him some questions respecting my appointment to the Agency of that Colony adding that he had written to General Hislop, that whatever sums might be paid me for my salary would be impressed against his account. On hearing this I requested Mr. Cooke to favour me with a copy of what he had written which he refused to do, but intimated that the Governor and Council had no right to appoint me and that he considered Mr. Maling as Agent for the Colony. By letters lately received, I further learn that orders have been sent out from your Lordship's office to make all future communications through Mr. Maling. Under these circumstances it becomes necessary for me to vindicate my own rights, which I could better have done, if Mr. Cooke had had the candour to make me acquainted with the grounds on which they were called in question. The objections which he did hint at are easily answered. With respect to Trinidad having no right to appoint an Agent because it is not under a British constitution, Ceylon is a case in point. That island has no House of Assembly, but nevertheless has appointed an Agent (Mr. Huskisson) whose salary is regularly paid out of the funds of that Colony. But the question is put out of all doubt by Lord Hobart's letter of February 4th, 1802, his Lordship being then Secretary of State for the Colonial Department. He not only expressly acknowledges the right of the Governor and Council to nominate and pay an Agent, but calls upon them to exercise that right. It may be further observed that every objection which can be taken to my appointment on this ground applies equally to that of Mr. Maling, whose appointment is held to be valid as he

was chosen by precisely the same authority ; unless indeed it be meant to go rather farther than Lord Hobart has done, and maintain that it is not only desirable, but that it is indispensable that an Agent for a West India Colony should be “ personally acceptable to the King’s Ministers.” If it be said that having chosen Mr. Maling the Governor and Council had no right to supersede him, I answer that the situation of Agent to a Colony is held only *durante bene placito*, unless otherwise expressed in the appointment. Mr. Lovell, late Agent for Jamaica was superseded by the Legislature of that island in favour of Mr. Lyon the present Agent, whom they considered as more likely to conduct their interests to advantage.

The same motive influenced the Legislature of Trinidad in superseding Mr. Maling, for however respectable that gentleman may be in other respects, it does not appear that he has acquired those qualifications, either from a local knowledge of the West Indies or from his occupations and habits of life, which point him out as a fit person to discharge the duties of Agent to a West India Colony.

I am aware that your Lordship, from the political connections of Mr. Maling may feel disposed to support the interest of that gentleman ; but I am persuaded that your Lordship is not disposed to give your support to any man at the expense of doing an act of injustice towards any other man. I must consider the interference which has been used on this occasion as a stretch of authority to answer the purposes of favouritism and undue influence, and shall certainly resist by every effort in my power an attack which, independent of all personal considerations as to myself, involves in it the interests of every gentleman who holds a similar appointment, and the rights of the West India Colonies at large ; but without resorting to any other measures I trust I shall find redress in your Lordship’s justice on this statement of the circumstances of the case, to which I request an early and explicit answer.

I have, &c., &c.,

JOSEPH MARRYAT.

The following extracts from a letter addressed by Mr. Marryat to the Governor and Council of Trinidad, dated July 7, 1808, treats of the same subject.

After stating that he had not received any official communications from the Colony by recent arrivals, he continues :—

“ Your silence is perhaps to be attributed to the attempt which I know has been made to induce you to supersede my nomination as your Agent in favour of Mr. Maling and the threat which has been held out to Governor Hislop that whatever payment has been made to me on account of my salary shall be impressed against his account.

Should any official communication be made through Mr. Maling in consequence of these threats, I should feel myself in a very awkward situation, but I take it for granted that whenever you cease to consider

me as your Agent I shall be apprized accordingly, in the same manner I was of my appointment, by a copy of your minutes upon the subject.

Some time since I applied to Mr. Cooke, but without success, for a copy of what had been written from the Secretary of State's office respecting me. I now make the same application to you, for I cannot so well take the necessary steps for redress here without having a statement of the case to produce, and I trust therefore you will not deny me this act of justice. The system of secrecy and darkness on which Mr. Cooke has acted in refusing it is more compatible with the character of a Spanish Inquisitor than with that of a British Secretary, for by the laws of this country every criminal is entitled to a copy of the indictment under which he is arraigned.

* * * * *

When you did me the honour to nominate me Agent for the Colony of Trinidad, I immediately determined to take the first opportunity in placing myself in a situation where I could most effectually support the interests of my constituents by procuring a seat in Parliament, though the salary annexed to your appointment was by no means a compensation for the expense of so doing, much less for the sacrifice which I made of my own private concerns in devoting myself to my Parliamentary duties. As my conduct has been disinterested, so have my exertions been unremitting and I trust useful. In the discussions respecting the Slave Trade I laid the foundation for a claim for remuneration, the validity of which was acknowledged by the then Ministry, adverse as they were to the pretensions of the Colonies on that subject. Without arrogating to myself more than is my due I can safely say that I have been greatly instrumental in bringing about the late favourable alterations in our Colonial system. I first recommended them as a writer, I urged them again as a Member of the West India Committee, I followed them up as one of a deputation from that Committee to His Majesty's Ministers, and finally enforced them in Parliament. I shall not comment upon the qualifications of Mr. Maling for the office of your Agent. You have sufficiently expressed your opinion of them by superseding him as soon as an efficient, not a nominal Agent, became necessary. Under the circumstances it remains to be seen whether, because a great stir has been made for Mr. Maling by persons in power, you will sacrifice the rights and privileges as well as the interests of the Colony at their mandate, and on this point I shall take the liberty of offering a few remarks for your consideration.

After repeating the arguments he had used to Lord Castlereagh, Mr. Marryat continued:—

“Your right to nominate and pay your Agent is expressly acknowledged by Lord Hobart, who calls upon you to exercise that right in his letter of February 4th, 1802.

It is the duty of an Agent to watch over the interests of the Colony, and consequently to remonstrate against such measures as may prove prejudicial to its interests, and it requires no argument to show that the man who is himself dependent upon His Majesty's Ministers is not likely

to oppose their will either with much sincerity or with much effect, and therefore is not the most proper person to be invested with that office. I am aware that a Governor must have prudential reasons for avoiding any contact with the Secretary of State, but this business is within the more immediate province of the Council, by whom the Agent is elected. It is their office to give the Governor impartial advice and they may maintain their own independence and the rights of the Colony without having anything to apprehend from the resentment of any persons in power here. I have no favour to ask, and I shall certainly be neither silent nor passive on this occasion, for, independent of the personal mortification which I acknowledge I should feel at being divested of a character which you have authorized me to assume, I consider it my duty while I am honoured with your support, to defend myself against this attack, as one which involves in it the interests of every gentleman who holds a similar appointment, as well as the rights of the West India Colonies at large.

Lest Lord Castlereagh should have acted under some misapprehension of the real circumstances of the case, I mean to come to an explanation with him before I adopt any other measures, and am inclined to believe, that however His Lordship may be disposed from political connexions to serve Mr. Maling, he will give up the project of so doing in this way rather than have the transaction made the subject both of public and Parliamentary discussion, as I mean to apprize him, it certainly will be, if persisted in."

* * * * *

I remain, &c.,

JOSEPH MARRYAT.

Two days previous to the date on which this letter was written Mr. Marryat had addressed a communication to the Hon. Spencer Perceval, in which he referred again to the same matter. This letter would not however have been reproduced but for the first portion of it which has a peculiar interest.

Mr. Marryat to the Right Hon. Spencer Perceval.

July 5th, 1808.

MY DEAR SIR,

I should ill discharge my public duty if I did not suggest to some of His Majesty's Ministers the expediency of employing General Picton in the expedition now destined for Spain. The military merit of General Picton would not be heightened by my encomiums, but I can speak in the strongest manner as to his general talents, his high sense of honour, the penetration and energy of his mind, in which he is surpassed by no man I ever knew. I desire also to add that probably there is not a General Officer in His Majesty's service who possesses the same perfect knowledge of the Spanish language, habits, and manners, as General

Picton. I had no acquaintance nor correspondence with him previous to his return to this country from Trinidad, but I had been led to form the highest opinion both of his public and of his private character from my correspondence with the most respectable planters in that Colony, men whom I was persuaded could neither be deceived themselves nor would deceive me. Under this conviction, when he was taken into custody by order of the Privy Council, I became one of his sureties and endeavoured by every means in my power to stem that torrent of calumny and prejudice by which he has been so nearly overwhelmed. A jury have now declared that the Laws of Trinidad authorized the infliction of torture and that he was not actuated by malice in ordering it to be inflicted, but he has obtained only this satisfaction after a persecution of nearly five years which would have broken the spirit and exhausted the fortune of almost any man, while the expenses of his prosecutor have been paid out of the public purse. Having experienced this treatment under three successive Administrations, it cannot now be expected that he should sue for employment. He has expressed his readiness to obey His Majesty's commands and his wish to be employed on any active service, and it would be a fit reparation for the treatment he has so unmeritedly experienced that those commands should be signified to him in a mode gratifying to his feelings.

You will perhaps wonder at my addressing this application to you. The reason will be explained by the enclosed copy of my letter to Lord Castlereagh (29th June, 1808), which still remains unanswered. I cannot therefore address His Lordship. With respect to the affair of which I complain, Mr. Maling might just as well have been appointed Archbishop of Canterbury as Agent for Trinidad, being just as well qualified to discharge the functions of one office as the other, and as I want nothing of His Majesty's Ministers, I think at least that no attempt should be made by any of them to take anything from me in order to give it to a person whose pretensions appear to be that a nobleman high in office happened to marry his daughter.

I find the warmth which I cannot but feel on this subject is betraying me into a detail of my own case when my object was to represent that of General Picton, which I earnestly recommend to your consideration.

I remain, &c., &c.,

JOSEPH MARRYAT.

Mr. Perceval succeeded in inducing Lord Castlereagh to grant a personal interview to Mr. Marryat the result of which the latter thus reported to the Governor and Council:—

July 21st, 1808.

Since my last, Lord Castlereagh gave me an appointment on the subject of my letter to him respecting the agency, at which he gave me to understand that Trinidad having no revenue but what belonged to the Crown, he did not consider the Legislature of that Colony as having a right to appoint and pay an agent, and that he further considered a recommendation from his office as being in fact a nomination. I told His Lord-

ship that I must oppose the principle itself and the exercise of it in this particular instance, for which I gave my reasons at length, concluding with my determination, if His Lordship persisted in carrying it into effect, to make it the subject of Parliamentary discussion.

Mr. Maling seems at this time to have been awakened to the necessity of doing something to justify his appointment, for the same letter continues :—

“ Mr. Maling came forward last week, and in the capacity of Agent for Trinidad convened a meeting of the merchants interested in, or connected with that Colony, to take into consideration the best measures to be adopted for the relief of the sufferers in the late fire at Port d’Espagne.

At this Meeting, which was held on the 14th instant, it was unanimously resolved, as you will see by the daily papers “ that doubts being entertained as to the authority under which this Meeting has been convened, it do now adjourn, and that the Chairman (Mr. Lushington) be requested to call another meeting for the same purpose.” This was done after a discussion had taken place in which the nature of the respective pretensions of Mr. Maling and myself were fully explained in order to avoid recognizing Mr. Maling in the character of Agent which he had assumed in the advertisement. His great supporters on this occasion were Mr. John Sanderson and Mr. George Dickson, and the rebuff which he thus met with cannot be very satisfactory to himself or to his noble patron who will also learn by it how far an attempt to impose an Agent upon a Colony by his mandate is popular in this city.”

* * * * *

JOSEPH MARRYAT.

The question as to who really was the Agent of the Colony continued for some time in dispute. On the 22nd September, 1808, Mr. Marryat wrote to the Governor and Council as follows :—

LONDON,

Sept. 22nd, 1808.

GENTLEMEN,

Inclosed you have copy of a letter written by Mr. Robert Ward, one of the Lords of the Admiralty, and son-in-law of Mr. Maling, to Mr. Stephen the barrister, formerly of St. Kitts, a Member of Parliament and a staunch friend to the present administration, but a still greater friend to independence and justice. This letter, agreeable to the request of the writer, Mr. Stephen sent to me, but the subject being better calculated for conversation than correspondence, I waited till Mr. Ward returned to London and then fixed an interview with him which took place last week and occasions the present letter. Mr. Ward abandons the ground taken by Lord Castlereagh and admits that you have a right to nominate your agent, but founded Mr. Maling’s pretensions to that office

on the authority of a letter from Governor Hislop, the substance of which is recited in his to Mr. Ward, and which, though he did not produce it to me, he says contains all that he has stated. I could have no difficulty in refuting all that Mr. Ward has asserted from official documents now in my possession, but it would be very unpleasant to me to contradict anything which had even the semblance of being supported by General Hislop, and I therefore wish that if what the General has written can be wrested into any such construction as Mr. Maling puts upon it, he would so explain any expression he may have inadvertently used as to prevent any improper advantage being taken of it.

* * * * *

It is really high time that you should take a decided part in this business, for the interests of the Colony suffer by delay. Had the papers respecting the fire been sent to me I should have brought the subject before Parliament, and relief would have been obtained for the sufferers last session. I presume they have now been sent to Mr. Maling who has deposited them in Lord Castlereagh's office where they will meet with just the same attention as your papers respecting Mr. Dickson.

I am aware of the delicacy of Governor Hislop's situation, and I think the Council were right in acting with caution while uncertain whether they had, or had not, the right of nominating their own Agent, but on this subject no doubt can remain for I can prove it by the testimony of Lord Castlereagh himself. A Petition was entered against the return of Mr. Huskisson to sit in the present Parliament for the Borough of Liskeard on the ground that he held an appointment under the Crown. This appointment was the office of Agent for Ceylon, which the petitioners contended was given him by the King through his Secretary of State for the Colonial Department whose letters directed the Governor to procure him the nomination. That Colony is precisely in the same situation as Trinidad, having no British Constitution nor House of Assembly, but being governed by a Governor and Council. Lord Castlereagh was called before the Committee who tried the merits of that election. He then declared that the letter of the Secretary of State to the Governor was merely a recommendation, and, that if, notwithstanding that letter the Governor and Council have thought proper to choose any other person as their Agent they had the right so to do, and he must have been acknowledged.

On this evidence Mr. Huskisson maintained his seat, yet Lord Castlereagh has asserted the very reverse of this in his conversation with me. Was he warped in his evidence before that Committee in order to do a job for Mr. Huskisson or in his conversation with me to do a job for Mr. Maling? This is a question which you may rest assured his Lordship will not oblige me to ask him in the House of Commons. Not only his character as a Minister, but his veracity as a man, would be too deeply implicated in the discussion.

Mr. Ward says that you have lately forwarded papers through Mr. Maling. This certainly gives a sanction to his pretensions at which I confess I feel much mortified. It is by no means my wish to force my

services upon you, or on any set of men, but it is my wish that you should come to some explicit declaration, whether you mean to consider me or Mr. Maling as your agent, or, in other words (for personal considerations are lost in those of greater magnitude) whether you mean to support your own rights and those of the Colony committed to your care, or surrender them at the peremptory though unfounded demand of a Minister. Much of your own reputation as public men depends upon your decision.

I have, &c.,

JOSEPH MARRYAT.

Mr. Marryat was not strictly correct when he stated in this letter that Lord Castlereagh had himself appeared before the Liskeard Committee. The evidence as to the right of Colonies to appoint their own Agents was however given from the Colonial Office by Mr. Chapman and confirmed by Mr. Windham, both of whom belonged to that Department. Mr. Marryat's opinion that the question of his right to the Agency of Trinidad would not be allowed to come before Parliament seems to have been well founded. After a lengthy correspondence, a compromise was made by which Mr. Maling and Mr. Marryat were both recognized as Agents, dividing the salary between them but Mr. Marryat performing all the duties, and on the death of Mr. Maling a few months later, Mr. Marryat remained the sole and recognized Agent of the Colony.

The correspondence between him and the Colonial Office and his letters to the Governor and Council are most interesting. It is quite evident that the position of Agent for a Colony in those days was very different from what would be understood by that term to-day. It seems to have been looked upon as a political rather than a commercial office, and it is certainly somewhat startling to find the representative of a Crown Colony in days when far more arbitrary control over small dependencies existed than can now be possible, boldly attacking the Minister on the one hand, and lecturing his constituents on the other. It is impossible, however, not to see, that however much Mr. Marryat might have had the interests of Trinidad at heart, and there can be no doubt that this was the case, his main object was to support what was then known as the West India Interest, to oppose in every way the Abolitionist party headed by Wilberforce, and to maintain the influence of the West India Committee of which

he was certainly the ablest and most influential member. He believed that the welfare of the Colonies depended upon the sugar planters and upon the maintenance of the "Colonial System," and so believing, it was right and proper in him to use his personal influence and great ability in the support of his views. He felt that in Trinidad the maintenance of the Spanish Law was a great obstacle in his way, and he therefore strove earnestly to obtain for Trinidad the benefit, as he believed it to be, of a British Constitution. It is noticeable how, in the later years of General Hislop's administration, the letters of Mr. Marryat became gradually more and more imperative in their tone, and it is not difficult to understand how little Sir Ralph Woodford was likely to allow letters in a similar style to be written to him. It is evident that very soon after the arrival of the latter in the Colony the relations between himself and Mr. Marryat became very strained. Matters reached the climax when on the representation of Sir Ralph Woodford Mr. Marryat was called upon for a detailed account of the manner in which he had dealt with the £50,000 paid into his hands as the grant from Parliament to repair the damage done by the fire of 1808.

The irritation he felt at this change in his position is apparent in the whole of his correspondence, not only with the Council in Trinidad but with the Colonial Office, the Treasury and the Commissioners of Audit, and he delayed sending in his accounts and vouchers as long as he could. This was clearly done to occasion as much trouble as possible. He had come to consider himself not so much the Agent as the Adviser, nay, almost the Director of the Council of Trinidad, and he could not brook the notion that the new Governor declined to acknowledge him in any other capacity than the former.



CHAPTER IV.

MR. MARRYAT having furnished all the vouchers and documents required from him, the Auditors for Colonial accounts, to whom the whole question was referred, were at length enabled to send in their Report. From that Report it appeared that the chief items of Mr. Marryat's account which were objected to by the Governor and Council, were:—

1. That he had charged against the Imperial Grant arrears of salary due to himself as Agent of the Colony.
2. That out of the Grant he had paid for the clothing of the Colonial Rangers and had also debited it with several items which should not have been charged at all, or, if chargeable, should have appeared in some other account.

In these objections the Commissioners concurred.

It was further alleged that he had not taken due precautions to obtain the various materials for the new buildings on the most advantageous terms and had sent out from England some articles which could have been obtained much cheaper in the Colony. In this the Commissioners did not agree with the Governor and Council. They were, however, of opinion that Mr. Marryat should have credited the Colony with interest on the large balances which from time to time had remained in his hands.

The complaint regarding the importing from England materials obtainable at a cheaper rate in the Colony referred mainly to the stone used, and which was charged in Mr. Marryat's account at £7,109, and it was stated in the Report of the Governor and Council, that :

“Independently of the lavish orders which must have been given for stone (if those could be called orders wherein no quantity nor size was defined) Mr. Marryat received specific instructions to send out a particular

species (Ashler or Lancashire) which would have proved a better and cheaper commodity than the Scotch stone which was shipped by him, and that he had upon that and other occasions, assumed and exercised a discretion very inconsistent with his character as a mercantile agent."

Objection was also taken to a charge in Mr. Marryat's account of one hundred hogsheads of lime, on the ground that no order had been sent to him to furnish this article for the very sufficient reason that it could be made in the Colony cheaper and of a superior quality than that imported.

The subjoined is a copy of the account furnished by Mr. Marryat :

Amount of Parliamentary Grant	£ 50,000 0 0
Remitted by Sir Ralph Woodford to cover a bill drawn upon the credit of this Grant and protested by Mr. Marryat, and to assist in the payment of the bills for the clothing of the Colonial Rangers	750 0 0

Mr. Marryat charged himself with the following sums :—

Returns on Policies of Insurance	\$55 18 0
Interest on £7,500 placed in Exchequer Bills...	256 2 3
100 hogsheads of Lime sold at Martinique ...	150 0 0
Total to credit of the Colony to be accounted for by Mr. Marryat	£ 52,012 0 3

The discharge of the account was thus detailed :—

1. Arrears of salary due Mr. Marryat as Colonial Agent	1,858 19 4
2. Clothing of Colonial Rangers	482 5 4
3. Bills drawn upon Mr. Marryat by the Governors of Trinidad, and a sum paid on his account into the Building Fund, by Mr. Black	22,253 0 3
4. Various items for the Buildings as per bills..	18,254 12 1
5. Freight and primage ... £ 4,980 16 1	
Commission	593 3 7
Insurance	2,515 3 11
Charges, Export Duty, &c. 894 7 8	
	£ 8,983 11 3
6. Postage and expenses } incidental to meetings }	77 1 0
Balance in hands of Mr. Marryat ... }	102 11 0
	£ 179 12 0
	£ 52,012 0 3
	£ 52,012 0 3

As the salaried agent of the Colony the Auditors had at first some doubt as to the right of Mr. Marryat to charge a Commission on these transactions, but they finally decided that in dealing with the Parliamentary Grant he had acted solely as a merchant, and the charge of £593 3 7 was passed by them and allowed by the Lords of the Treasury.

The item of arrears of salary £1,858 19 4 (from 25th June, 1806, to 31st December, 1813) was disallowed on the ground that :

“ Mr. Marryat had shewn no authority from the Governor of Trinidad, or from any person deputed by him, for inserting in the account a charge against the Grant of Parliament expressly given for a special and different purpose.”

The auditors were, however :

“ Willing to admit that Mr. Marryat had a claim against the Colony of Trinidad for whatever amount might be due to him as its agent, and that the Governor ought to adopt measures for its discharge in common with other demands of a similar description, but this should be done from the Colonial Revenues alone and not from a fund placed in Marryat's hands for a special purpose.”

In this view the Lords of the Treasury “ entirely concurred.”

The next item was £482 5—clothing for the Colonial Rangers. This, after some hesitation, was passed as an incident arising from the fire, but on it Mr. Marryat was not allowed to charge commission. The auditors next dealt with the charges made by Mr. Marryat on account of building materials furnished, and of the expense incurred in forwarding them to Trinidad. It appeared that the only authority he could produce for the expenditure incurred was a series of letters from Mr. Black, the Chairman of the Building Committee, and the extent to which that gentleman was given *carte blanche* by the Colonial authorities may be appreciated from the following passage in the report of the Imperial auditors :—

“ What the extent of authority was with which Mr. Black was invested as Chairman of that Committee, we have not been able to ascertain. . . . but it appears to be allowed in all the documents which we have seen that he did exercise nearly an unlimited authority, and that he was sanctioned in so doing by the apparent acquiescence of Governors Hislop and Munro in all his measures.

* • * * * * *

We have carefully examined the authorities of Mr. Black with the accounts of the materials actually sent out, and although the former are

in many instances drawn up very loosely, leaving to the discretion of Mr. Marryat and Mr. Lapidge the architect, the quantity and quality of the articles, still upon the whole we think ourselves justified in reporting, after a due examination of the documents, that with the exception we shall hereafter state, the building materials appear to be generally conformable to the orders of Mr. Black."

After these remarks the Auditors dwelt at some length upon the subject of the stone and other materials sent out and with which Sir Ralph Woodford and his Council had expressed dissatisfaction, and finally expressed their opinion that Mr. Marryat had strictly carried out the orders of Mr. Black, and that in the cases when in the absence of definite instructions he had used his own discretion the result had been satisfactory; that the prices charged were fair and reasonable and such as were customary and current at the time. The charge for expenses incurred in connexion with meetings called forth the following remarks:—

"Mr. Marryat has stated that this expense was incurred on account of two public meetings of the planters and merchants interested in Trinidad in order to consider the best mode of obtaining from His Majesty's Government a Grant for the relief of the inhabitants after the destruction of Port d'Espagne by fire, and that therefore the charge is a fair one upon the Grant. In this conclusion, however, we do not coincide, and we are of opinion that if the merchants and planters thought it necessary to meet for the purpose stated by Mr. Marryat, they should have themselves defrayed any expense that might result therefrom, and that Mr. Marryat should not have brought it forward as a charge against a sum granted by Parliament for the specific purpose of rebuilding the public offices."

The only remaining point of importance was the liability of Mr. Marryat to be charged with interest upon the various balances which had from time to time remained in his hands. Upon this there was a difference of opinion between the Imperial Auditors and the Lords of the Treasury, and the views expressed are sufficiently interesting to merit quotation. The Auditors in their report stated:—

"If Mr. Marryat had brought forward the present account solely in his capacity as Colonial Agent we should have felt no hesitation in stating that we did not consider him, under the practice universally observed towards Colonial Agents, liable to a charge for interest upon the sums passing through his hands; but Mr. Marryat, as connected with this account stands in the blended situation of agent and merchant; in the former capacity he received from the Treasury the Grant of £50,000 and paid the different bills drawn by the Governors of Trinidad; in the latter he purchased the building materials and defrayed the expenses attending them, charging for his trouble in so doing a commission of $2\frac{1}{2}$ per cent.

¶ Upon that part of his account which is connected with his situation as Colonial Agent, we have already stated that we do not consider interest to be chargeable, but with regard to the sums received and paid by him in his mercantile capacity we are disposed to think that an interest account ought to be made up.

We are, we confess, strongly impressed with the danger of admitting that a regular Agent can change his character and act as a merchant for the Colony of which he is an Agent, from the obvious principle that his duty as Agent may be inconsistent with his interest as a merchant. It is not our intention to insinuate in the slightest degree that in the case before us any improper effect was produced by such union of different characters in the same person; still we are of opinion that Mr. Marryat ought not in addition to his salary as agent and his commission upon the expenditure to receive the profit of the interest of the money lying in his hands, but that as he has claimed and been allowed commission as a merchant he should be subject to the obligations of the same character, and ought to pay over to his employers the interest arising from the balance in his hands. According to our mode of viewing the subject this will amount to about £800, but we have not surcharged against Mr. Marryat on this head deeming it more proper to await your Lordships' decision.

We have the honour to be, &c.,

CLEMENT EDWARDS.

E. H. LUSHINGTON.

EDMUND BYNG.

¶ Upon this part of the report the following Minute was made by the Secretary to the Treasury :—

“Upon the subject of the suggestion of the Commissioners whether Mr. Marryat should not be charged with interest upon the moneys received by him for the purchase of the building materials and for defraying the expenses attending them, my Lords entirely concur in the feeling entertained by the Commissioners of the danger of admitting the principle that a regular agent can change his character and act as a merchant for a Colony to which he is agent, it being obvious that his duty as agent may be inconsistent with his interests as a merchant; and if it had been the practice of this Board to charge mercantile agents employed upon commission with interest upon the moneys which may from time to time be issued to them to enable them to meet engagements for which it may be necessary for them to make themselves liable, on account of the services in which they are employed, their Lordships would have had no hesitation in adopting the suggestion of the Commissioners for charging Mr. Marryat with interest upon the balance remaining in his hands. Whenever a mercantile agent has actually rendered himself personally liable by his acceptances, to the payment of any sum of money on account of the Public Service, it has been considered just and reasonable to place

him in funds to meet his own personal engagements, but it has never been the practice in such cases to call upon such mercantile agent to make out an account, and to allow interest on the sums so issued.

Or if it had appeared that Mr. Marryat called for, or procured moneys to be issued to him so as to keep it unnecessarily in his hands, their Lordships could not have had any hesitation in directing him to be charged with interest, but that is evidently not the case as Mr. Marryat received these moneys through the medium of bills drawn upon this Board by the Governors of Trinidad. It may be deserving of consideration how far it may be reasonable or proper to charge all mercantile agents with interest upon moneys issued to them for services of the description above set forth, but as no blame is imputable to Mr. Marryat in getting into, or retaining unnecessarily in his hands the moneys which he received for the purchase and to defray the expenses of the building materials, and as it has not been the practice to charge mercantile agents with interest under such circumstances, my Lords do not think it would be reasonable or just to charge Mr. Marryat with interest on the present occasion."

The Treasury Minute ended with the following direction to the Auditors :—

" Write to Mr. Marryat informing him that my Lords have felt themselves called upon to sustain the surcharge of £1,858 19 4, and that with respect to the amount of his salary and the mode of his payment, my Lords must refer him to the Colonial Secretary of State within whose province it is to give directions upon the subject. . . .

Upon the subject of interest upon the balances remaining in his hands, my Lords have not deemed it necessary under the special circumstances to call upon him for the payment of interest; that the result of their Lordship's determination of his account is that there is a balance in his hands of £1,982 5 5, which balance their Lordships are pleased to direct him to lay out in the purchase of Exchequer Bills, to await such orders as he may receive from the Governor and Council of Trinidad for the application of this sum."

On the 28th July, 1815, after the final Report of the Commissioners of Colonial Audit had been made, Mr. Marryat addressed a letter to Lord Bathurst, which, after recapitulating most of his previous arguments he thus concluded :—

" After the charges which Sir Ralph Woodford has been pleased to make against me, Your Lordship will perhaps be somewhat surprised to hear that the only items surcharged in my account by the Commissioners are £11 7 9½ and £9 14 6 being a commission on clothing sent out for the Colonial Rangers, and the expense of convening some Public Meetings on the business of Trinidad. Sir Ralph Woodford's charges are completely repelled by the decision of the Commissioners, and now that decision has been given, as I cannot with satisfaction to myself, con-

tinue to act as Agent for Trinidad under a Governor of whose conduct towards me I have just cause to complain, I beg leave to resign the office.

I have, &c., &c.,

JOSEPH MARRYAT."

On the 3rd August, 1815, Mr. Marryat addressed the following letter to the Clerk of the Council of Trinidad :—

SIR,

I beg you will acquaint His Excellency and the Board of Council, that after a very long and minute investigation the Commissioners of Colonial Audit have made their Report on my account with the Government of Trinidad. For some time past I have been aware that the former (*the Governor*) in his official correspondence has mentioned my conduct relative to that account in terms of equal asperity with those contained in your letter to me of the 26th May, 1814, written under his directions. I determined to take no notice of these imputations lest it might be supposed that I felt any doubt of being able to justify myself, notwithstanding the impression which they would naturally make on the minds of those who were to be my judges, and have now the satisfaction of being able to state that they are completely done away by the Report of the Commissioners.

A copy of that Report will be transmitted to His Excellency and when it arrives it will be for him to decide whether or not he thinks he owes me an apology for the unhandsome manner in which he has expressed himself of my conduct. Whether he offers any, or none, can be of no moment to me, but it will make this difference to him, that in the former case he will have made the *amende honorable* for crediting imputations injurious to my character before they were proved to be true, in the latter he will have further to answer for not disavowing them after they have been proved to be false.

From the day that I received your letter before alluded to, I made up my mind that I could not with satisfaction to myself, continue to act as Agent for Trinidad while the Government of the Colony was in the hands of persons who could address me in such language as that letter contained; but I felt it necessary for my own honour not to retire till I had proved that such language was unmerited. On that proof being furnished by the Report of the Commissioners of Colonial Audit I immediately resigned the office, as I beg you will acquaint His Excellency and the Board of Council.

I am, &c., &c.,

JOSEPH MARRYAT

From the tenour of all the documents and reports referred to in the above Minutes it is very evident that the £50,000 voted by Par-

liament had been expended with very little care, but it must be admitted that the blame of this rested with Mr. Black and the Building Committee, rather than with Mr. Marryat, who only carried out the orders as he received them. No doubt he acted irregularly in paying himself his arrears of salary out of moneys placed in his hands for a specific purpose, but some weight must be given to the fact that he had for years well and ably served the Colony without receiving a shilling of the salary to which he was entitled. He was a most able and energetic man who knew the wants of the West Indian Colonies thoroughly from having been long connected in business with several of them. It was to Trinidad, however, that he chiefly devoted himself, and it was most unfortunate that the attitude taken by Sir Ralph Woodford with regard to the Parliamentary Grant should have caused a feeling of hostility on his part which was in the near future to cause much trouble and annoyance.





CHAPTER V.

SIR RALPH WOODFORD was a man of refined and elegant tastes, and felt the liveliest interest in the improvement and embellishment of Port-of-Spain. In order to do this he took full advantage of the large powers he possessed as Corregidor of the Cabildo. One of the very first things to which he turned his attention was the paving of the footwalks of the town, which on his arrival he found to be in a most neglected state. Previous to the fire of 1808, the principal streets had been partially paved, but since that disaster nothing had been done to restore the pavement then destroyed. The law required every householder to pave the walk immediately in front of his lot, but had been so long evaded as to have become a dead letter and Sir Ralph determined to carry out another and more practicable system.

He caused the town to be divided into blocks, the paving of the streets in each of which was laid down under the directions of the Surveyor General at the expense of the Cabildo in the first instance, each householder being assessed afterwards for the amount he was to refund. Uniformity and good work were thus ensured, but at the cost of much grumbling and discontent, more especially from those who for years had taken advantage of their position and influence to set the law at defiance. They were the loudest of the clamourers against the despotism, as they called it, of Sir Ralph; and yet they were not the chief sufferers, if indeed they can be said to have suffered at all, considering how much the very act they complained of increased the value of their properties. It was the small householders who had some cause to complain; unable to pay the paving rate their houses were sometimes sold in default, and at a later period these cases were quoted to show that Sir Ralph

Woodford did not scruple to despoil the widow and the orphan in order to gratify his mania for embellishment. To such an accusation the answer is obvious: individual interests must give way for the benefit of a community. An eminent writer of our own day, discussing the analagous question of the right of society to punish individuals, puts the whole matter in a very clear light:—

“Societies are stronger than their individual members, and do as a fact systematically hurt them in various ways for various acts and omissions. The practice is useful under certain conditions. What these conditions are is a question for Legislators.”*

If this be true with regard to legislation for the suppression of crime, it is equally true with regard to questions which concern the health, comfort or convenience of a community, which cannot be jeopardised for the sake of individuals.

The Illustrious Cabildo now found more useful occupation than reviving obsolete laws in order to gain a temporary but costly victory over an irritable and indiscreet Chief Judge. In September, 1814, the Alcalde of the First Election, Don Bartolomeo Portel, called the attention of the Board to the increase in the number of lepers in the town of Port-of-Spain, and the matter was formally brought under the notice of the Governor with an expression of opinion on the part of the Board that it was most desirable some steps should be taken to separate these unfortunate creatures from the rest of the population. A few days later the Governor informed the Board that the question had already been for some time considered by him very seriously and that with a view to forming a Leper Asylum, he had ordered a survey of the island of Monos. Mr. Maingot, the Surveyor General, had however reported that there were so many residents on that island who would be entitled to compensation for the resumption of their lands by the Government, that he had been compelled to abandon that scheme on the score of expense.

The letter written to Mr. Maingot on this subject by Sir Ralph

* History of the Criminal Law of England by Sir James Fitzjames Stephen, K.C.S.I., D.C.L.

Woodford is of interest as it mentions incidentally the tenure by which Monos was then held by the Cabildo.*

GOVERNMENT HOUSE,

9th July, 1814.

SIR,

I have received your Report on the island of Monos, and I have to express to you my entire satisfaction with the complete manner in which you have carried into effect my instructions of the 29th ultimo.

It appearing, however, from your Report that the establishments in that island, *although subject to resumption at any period by the Cabildo or His Majesty's Government at whose option it is held by that Board*, are already of so considerable a nature as to involve the comforts of over 200 persons, His Majesty's Council have for the moment abandoned their intention of appropriating the island of Monos in the manner projected, and I am therefore to desire you will on an early day proceed to the island of Huevos, and taking the directions of my former letter for your guide, report thereupon for the information of the Government."

I have, &c., &c.,

RALPH WOODFORD.

Huevos being totally without fresh water was unsuited for the proposed object, and with regard to the other inhabitable islands of the Bocas the same difficulty arose as in the case of Monos; the large amount of compensation which would be due to the inhabitants for the resumption of their lands. The idea therefore of establishing a Lazaretto in the Bocas was abandoned. The question was not however lost sight of by the Governor, who directed the Commandants of quarters in the country, and the Alcaldes de Barrio in Port-of-Spain, to furnish him with returns to enable him to form an opinion as to the accommodation which it would be necessary to provide in the proposed Asylum. From those Returns it appears that the number of lepers in Trinidad in 1814, did not exceed seventy.

Another matter which was taken in hand by the Cabildo was the protection of the town from fire. Bearing in mind what had occurred in 1808, the Board issued instructions to the Alcaldes de Barrio that

* The present Borough Council holds Monos and the other Islands on the same conditions.

at the commencement of the dry season they were to organize parties of the inhabitants of their respective Barrios to patrol the streets nightly, and they were also to see that a cask full of water was kept opposite to each house to be used in case of fire. Strict police regulations were also issued with regard to gaming and gaming houses. An unfortunate tavern keeper was fined \$50 for allowing a ball to be given at his tavern on Ash Wednesday, and the Chief of Police was fined sixty days pay for not having stopped the ball at once. Of these fines two-thirds of the aggregate amount were paid to the Catholic Vicar, and one-third to the Protestant Rector.

Whilst the people of Trinidad were thus peacefully engaged in "setting their house in order," matters wore a very different aspect on the opposite continent. The civil war was then at its height, and great anxiety was felt in Trinidad, not only on account of the serious injury caused to trade, but in connexion with the numerous friends and relatives whose lives and property were in hourly danger. From the whole tenour of his correspondence at this period it is clear that Sir Ralph Woodford's sympathies were with the Royalists, but he seems to have done all in his power to conciliate both parties, and the following letters will shew how great an interest he took in the question :—

Sir Ralph Woodford to the Commodore of the Royalist Flotilla in the Gulf of Paria.

GOVERNMENT HOUSE,

18th January, 1815.

SIR,

It has always been my desire to see the unfortunate revolt of the Spanish Main come to an end, and more especially that the provinces bordering on this Gulf should return to their allegiance; and with this object I have on two different occasions offered to the insurgent leader at Guiria to serve as a mediator for the return of those provinces to the Spanish Government.

Mr. Clozier, who has offered to be the bearer of this letter and must be well known to you, has informed me of the wretched state of affairs in Guiria, of the alarm which exists there, and lastly, of the serious outrages committed by the emancipated slaves who have fled into the mountains, and also that the insurgent Chief, Bideau, is inclined to capitulate.

It has occurred to me that both you and General Morales will excuse the liberty I take in entreating you to employ such measures for the possession of the Gulf as will avoid the effusion of blood, by guaranteeing his life to the said Chief and giving him a safe conduct to some other Colony.

Trusting to your favourable acceptance of this conciliatory proposal which I have no doubt will produce the desired effect, I enclose the accompanying letter for General Morales and copy of a note I have sent to Bideau.

I have, &c., &c.,

RALPH WOODFORD.

[ENCLOSURE No. 1.]

Sir Ralph Woodford to General Morales.

GOVERNMENT HOUSE, TRINIDAD,

18th January, 1815.

SIR,

Since my arrival in these Islands in June, 1813, my most anxious desire has been to see the legitimate Government restored in the Provinces of Venezuela, and the horrible effusion of blood put a stop to which the Revolution has occasioned.

In this desire I was pleased to find that General Monteverde fully shared. In July of the same year (1813) I offered to the insurgent chief of Guiria to serve as a mediator if he would yield up that district to its lawful Sovereign, and this offer I repeated a few months since. I have just learned that the Officer commanding the Royal flotilla by which the insurgent Forts in this Gulf are blockaded has offered terms of capitulation which Bideau has refused to accept, and as the Royalist troops have happily recovered the whole of the provinces, it has occurred to me that Your Excellency would excuse the liberty I take in begging of you to adopt such measures as, whilst protecting the rights of His Catholic Majesty, will at the same time stay the effusion of blood.

I trust, General, that those sentiments of moderation and humanity which always accompany true valour will cause you to accept any offer of mediation which is not unworthy of the Spanish nation; and the Forts of the Gulf being the last fruits of your victory, it will be all the more glorious for you to have recovered them without bloodshed.

I beg to congratulate Your Excellency upon the success you obtained at Maturin, and remain, &c., &c.,

RALPH J. WOODFORD.

[ENCLOSURE No. 2.]

Sir Ralph Woodford to Jean Baptiste Bideau.

GOVERNMENT HOUSE, TRINIDAD,

18th January, 1815.

The Governor of Trinidad has just learned that terms of capitulation have been offered unsuccessfully to Mr. Bideau by the Officer commanding His Catholic Majesty's flotilla in this Gulf, and although the Governor has more than once assured Mr. Bideau of his desire to be the mediator between the two parties at present existing on the Spanish Main he cannot but take the present opportunity of repeating to Mr. Bideau his anxious desire of bringing to an amicable end the sanguinary struggle which has so long desolated the neighbouring Continent, and he has expressed himself in the same terms to the Officer commanding the flotilla and the General commanding His Catholic Majesty's troops, feeling convinced that they will be ready and willing to avoid the ruin of innocent persons.

Should this proposal be accepted by both parties, the Governor is prepared to send a vessel to Guiria to convey Mr. Bideau and his staff to any one of the neutral Colonies which he may name.

RALPH J. WOODFORD.

If the historians of Venezuela are to be believed, these appeals to the humanity of the Royalist leaders were made in vain. They assert, that when a few months after these letters were written, Guiria fell into the hands of Morales every patriot who was captured was mercilessly put to the sword without regard to age or sex. "*Pasados à cuchillo sin distinccion de edad ni sexo.*"*

Some allowance, however, must be made for the tendency to exaggerate, common to all partizan writers, and whilst it cannot be denied that during the South American war of Independence gross acts of cruelty were perpetrated by the Royalist troops, it may fairly be assumed that the reality fell far short of what was stated at the time and has since been too readily believed.

When Morales became master of Guiria, Bideau took refuge in Trinidad. He was accompanied by his family and some of his principal associates, French people of colour like himself, who had left Trinidad immediately after the capitulation. As they had formed

* Baralt, Hist. de Venezuela, Vol. 1, p. 248.

part of the revolutionary party so much dreaded by Chacon, Sir Ralph Woodford did not think it advisable that persons of this description should be allowed to remain in the island, believing as he stated in an official despatch to Lord Bathurst that were they to reside in it they would "transfer to Trinidad, the violence and animosity prevailing in Venezuela." He therefore chartered a vessel to convey Bideau and his associates to St. Bart's, the wife and family of the former being allowed to remain in Trinidad. As it is a proof of his desire to deal fairly by both parties, it should be mentioned that Sir Ralph Woodford supplied these emigrants with funds for their journey, and prevented a Royalist vessel of war from leaving Port-of-Spain until sufficient time had elapsed to give the refugees a fair chance of escape.

Trinidad now became a refuge for a large number of families from the Main who had fled before the Royalist troops. Numbers of them arrived daily in the Colony, destitute of even the bare necessities of life, and in the majority of cases had to be both fed and clothed at the public expense. Some years later Sir Ralph was accused in the House of Commons by Mr. Marryat, of having behaved with the greatest cruelty in refusing admission to the island of large numbers of these refugees. In very many cases he certainly did refuse the sought for permission to land; but it must not be lost sight of that his first duty was to preserve the peace and security of the Colony entrusted to him. That appeared to him fully as important as the protection of men who having staked their all in a hazardous enterprize were undergoing the consequences of their own acts. Nor should it be forgotten that Guiria and the neighbouring portions of the coast were almost entirely peopled by men who after earning for themselves an unenviable notoriety in the French Colonies during the closing years of the eighteenth century, had found their way to Trinidad, from whence they had been banished by Picton. It was only to be expected that Sir Ralph Woodford should not be very anxious to re-admit them into the Colony. The ease with which Mariño had been able to carry out his expedition in 1813, was also good ground for refusing permission to remain in the Colony to men only too likely to follow his example, and therefore

it was that known leaders amongst the refugees were refused an indulgence accorded to the great bulk of the fugitives, of whom according to official documents nearly four thousand received both shelter and support.

The following extracts from official correspondence will shew that Sir Ralph Woodford was determined not to allow Trinidad to become a rendezvous for conspirators, but was equally firm in protecting those refugees who had been admitted to residence:—

General Morales to Sir Ralph Woodford.

HEAD QUARTERS, MARGARITA,

13th April, 1815.

. All these reflexions and the faithful attachment which England has shewn to Spain, and which has made her her friend for ever, induce me to hope that Your Excellency will not only not admit the fugitives, but that you will order to be delivered up to me those described in the annexed memorandum, the vessels and flecheras that have taken refuge at your island, and also the ex-Marquis del Toro with all his followers, including Colonel Sucre.

Sir Ralph Woodford to General Morales.

TRINIDAD,

14th June, 1815.

. So long as these unfortunate persons who (to save their lives and to escape the horrors of the civil war in Venezuela) in the midst of peril and in the extremity of misery and affliction, sought hospitality and security, do not by improper conduct forfeit that right which humanity gives them to my protection, it is not possible for me to deprive them of this asylum without an express order from His Majesty's Government to that effect; but I can assure Your Excellency that should they in any way contravene the Laws of this Colony they will be punished as they deserve.

The Marquis del Toro, mentioned in the letter of General Morales, had been one of the original leaders in the revolution in Venezuela, and was peculiarly obnoxious to the Spanish Government. He had been a member of the Junta of Caracas, when in 1810, the popular party had wrested the executive power from the Captain-General, Don

Vicente Emparan, and in the following year as deputy for Tucuyo, had signed the Declaration of Independence. In 1812, when the success of the Royalist troops under Monteverde compelled the Congress to place the supreme power in the hands of a Dictator, it was upon the Marquis del Toro that the choice fell in the first instance, and it was only on his declining that Miranda was finally selected. When the patriot cause seemed utterly lost, the Marquis, in company with his brother and many others took refuge in Trinidad from which place they kept up an active correspondence with the revolutionary party in Venezuela.

This will probably be the most fitting time to quote Sir Ralph Woodford's own words in explanation of his conduct towards the refugees, although given officially by himself somewhat later :—

Sir Ralph Woodford to Earl Bathurst.

(EXTRACT.)

TRINIDAD,

9th February, 1817.

“ In pursuing this conduct, I may perhaps appear inconsistent, but before Your Lordship condemns it I beg that advertence may be had to the many Reports which I have transmitted on the subject of the almost constant changes in the success of the two parties that are contending for the possession of the neighbouring Provinces ; the difficulty and indeed impossibility of confining the intercourse (between Trinidad and the Main) to the purposes of innocent commerce, the complexion of the Colony at Guiria, which consisted of French people of colour and not of Spanish Independents ; the risk which must have attended the unrestrained intercourse of such characters with our slave and poor free coloured population, and which was seen with just alarm and apprehension by the inhabitants, many of whose estates bordered on the Gulf which afforded every temptation and facility to escape, and from its tranquil waters security in the smallest canoe.

All these reasons induced me to view with caution rather than with satisfaction the numerous arrivals of the inhabitants of the Spanish Main, whither indeed, since General Bolivar again declared the freedom of the slaves in the month of June last, some few have fled.”

The troubled state of Venezuela was a matter of most serious importance to Trinidad, and indeed, the latter Colony must always feel whatever affects its nearest neighbour. Trinidad is intimately connected with the opposite Continent, and would

be more so still were it not for the fact that Venezuela lies between it and the rich countries on the Pacific sea-board and on the south-west of the Orinoco. If free navigation were allowed on that river and the Rio Meta, which can only be expected when very different views are adopted by the Government of Venezuela than have prevailed in that country for the last three quarters of a century, a bright day will dawn for Trinidad, and she will then become what Napoleon feared and what Picton would have made her, the commercial centre of the West Indies. In spite, however of all difficulties, the trade between Trinidad and Venezuela, though not by any means so brisk as it had been immediately after the capitulation, was still flourishing in 1815.

In that year, instructions were sent from the Colonial Office directing that a drawback should be allowed upon all goods exported from Trinidad to Venezuela in launches or open boats. On receipt of these instructions the Governor, who entertained serious doubts as to the wisdom of this measure, referred the matter to a Committee (of which Mr. Burnley was a member) in order that they might report fully upon it. Mr. Meany, the Inspector of Spanish launches, was examined, and from his evidence it appeared that the trade with the Main was chiefly in dry goods and hardware. The goods were purchased in different stores, and then made up by the purchasers themselves into fresh bales and parcels of a size and weight suitable for conveyance by means of pack animals. No invoices were made out, and bills of parcels were neither given nor asked for, the whole trade being carried on with a full knowledge on the part of the vendor in Trinidad that his goods were to be smuggled into Venezuela. Mr. Meany also informed the Committee that he was convinced that any examination by the Custom House officials in Trinidad of the launches or their cargoes, previous to leaving Port-of-Spain, would seriously affect the trade and eventually drive it away altogether, as the traders from the Main wished to avoid payment of the exorbitant duties imposed by the Spanish Government, and feared betrayal from the numerous spies of the Spanish Government if their cargoes or destination were known. Other evidence to the same effect as that of Mr. Meany was given before the Committee and embodied in their

Report, upon reading which the Council resolved that it was unadvisable to carry into effect the instructions of the Secretary of State. The Governor was therefore asked to convey to the Colonial Office the grounds upon which this decision had been arrived at. One was,—that the long line of unguarded sea-coast presented by the island gave every facility for re-landing in the Colony goods upon which drawback had been allowed; the other,—that drawback would be claimed upon goods never exported at all.*

The Council then suggested that the best and simplest mode of facilitating and extending the trade with the Main, would be to exempt from import duties all classes of goods which the Venezuelan dealers were in the habit of purchasing, and fully recognizing the importance of the trade with South America they proposed that, at least so far as that trade was concerned, Trinidad should be declared a free Port, arguing with both reason and common sense on their side that purchasers would not leave a cheap market easy of access and free from vexatious fiscal regulations, to go further and encounter the risks and delays of a long sea voyage.

With the view thus taken by the Council, Sir Ralph Woodford so entirely coincided that he took upon himself to suspend the execution of the Order in Council and await further instructions from the Home Government. The event justified his action in the matter, for in the following November, Lord Bathurst informed him that after careful consideration the Lords of the Treasury had approved of the suggestion that all *British* dry goods and hardware should be exempted from import duty. The limitation of the exemption to *British* goods was to be expected in 1815, when Free Trade was not yet known, but the principle was admitted that restrictions upon the trade between Trinidad and Venezuela should be removed. It is to be regretted that the policy then inaugurated was not persevered in. Unfortunately, there came a time when all other interests were sacrificed to those of the sugar planters, or rather to those of the men who held the sugar planters in their power, and these latter were able to bring such pressure upon the Home Government, that for many long years they

* Subsequent events have shewn that both these objections were well founded.

had uncontrolled sway over the destinies of Trinidad, as they had of all the other West India Colonies of Great Britain. So long as that one interest was allowed to be paramount there was no chance for any other industry or commerce unconnected with it, to gain a footing.





CHAPTER VI.

ONE of the charges brought against Sir Ralph Woodford was that he had a proud, imperious disposition which his enemies asserted was manifested by offensive hauteur towards all who approached him. Those, however, who were constantly about him, and many of whom were yet alive but a few years back, spoke of him in very different terms as a model of courtesy and high breeding. In official matters he certainly was severe, and that equally so with the Head of a Department or with the humblest *employé*, but in private life no one was more amiable nor easier of access. It is too much the fashion now-a-days to affect contempt for the position held by the Governor of a Colony. There exists a class of persons who believe that by treating the Representative of the Sovereign as a mere private individual save when performing some official act, they assert their own independence and add to their own importance, and some Governors are unfortunately not at all unwilling to be relieved of irksome ceremonial, forgetting that once the barriers created by a due observance of etiquette are thrown down they cannot easily be re-erected. It is true that of late years the attitude of the Colonial Office towards the Governors of all but the larger and more important Colonies has tended greatly to lower their prestige. The Governor of a Colony like Trinidad, unless he happens to be a man of high rank, or is backed by powerful friends, is a Governor in name only, and but too often finds his best devised plans thwarted by influences brought to bear in Downing Street against which he is powerless. The invariable result is that he ceases to govern and simply works out his time as pleasantly as he can.

Sir Ralph Woodford was not only a man of rank and influence, but he lived in days when it was expected that the Governor of a

Colony should maintain the dignity of his position and be really what his title implied. He therefore insisted at all times and in all places upon the deference to which he was entitled, and his reputation for pride and haughtiness is due to the angry utterances of persons who having forgotten their position had been deservedly rebuked by one who never forgot his own.

Another charge brought against him was that of fondness for show and ceremonial. That he was so is undeniable ; but it was not from personal vanity, but because he considered a certain amount of display to be necessary to his position. An extremely handsome man of a very commanding appearance, he delighted to have about him as his personal staff the best looking officers, from both the Regular Forces and the Militia of the Island, which was at that time the finest in the West Indies. Originally organized by Picton it had been carefully maintained by his successors, but it was under the Government of Woodford that it reached to the highest efficiency. In 1815, the Force was composed of a Regiment of Light Dragoons, a Regiment of Hussars, a Brigade of Artillery, three Regiments of Infantry, three corps of Mounted Chasseurs, eight District Companies, and two battalions of Sea Fencibles numbering in all over 3,000 rank and file. In the month of December, Martial Law was yearly proclaimed and during its continuance the officers and men of the Militia were obliged to appear in uniform, and all the routine of Garrison duty, drills, parades, guards, &c., were strictly carried out. The period of Martial Law coinciding as it did with the Christmas Holidays, was in those days a time of great gaiety and festivity. The houses of the more wealthy inhabitants were thrown open, and there was a constant succession of dinners, balls and suppers. There was, however, one drawback attending this custom. Previous to the arrival of Sir Ralph Woodford, duels had been as frequent in Trinidad as they used once to be in Ireland, and this is easily accounted for by the mixed nature of the population and the long years of exclusively military rule. From the day of his arrival Sir Ralph determined to put an end to this practice, and he so thoroughly succeeded that to quote the words of one who wrote of what he had himself seen "to send,

carry or accept a challenge, used to entail ruin on the parties."

The period of Martial Law, however, still enabled the lovers of the duello a brief interval during which to settle old scores. The same writer continues :

" But the Governor's powers great as they were, did not extend to the opposition of fighting during the time Martial Law was in force: all he could do was to get principals and seconds tried by a Court Martial which of course acquitted the prisoners; insults and animosities, secret as well as open, were carefully 'bottled up' as the term was, for a twelvemonth."^{*}

The above extracts whilst giving a very vivid sketch of the state of society in Trinidad in the first quarter of the century, convey an erroneous impression as to the real state of the law at that time with regard to duels, as also of the powers of the Governor to deal with the parties concerned in them.

As a fact the Civil Courts were closed on the proclamation of Martial Law and *all* crimes and offences committed during that period were dealt with by military tribunals, and this naturally led to the postponement of all those differences which according to the code of honour of the day could only be settled by an appeal to arms, to a period when the Civil Courts were temporarily in abeyance. There was, however, one tribunal which was not closed, and the Records of the Court of Royal Audience furnish ample evidence that on many occasions Sir Ralph Woodford punished with great severity those who took part in duels, either as principals or seconds, and if he was not able entirely to suppress it, he certainly checked to a considerable extent a practice which does not appear to have been in the slightest degree discountenanced by his predecessors.

Mention has already been made of the discontent caused by the measures taken by the Cabildo in obedience to the Governor's orders for the repaving of the footpaths of Port-of-Spain. This feeling was now considerably increased by the publication of a series of regulations with regard to buildings within the town.

Shortly after the fire of 1808, a Proclamation had been issued by

* History of Trinidad by E. L. Joseph, p. 107.

General Hislop, in which certain rules were laid down as to the erection of any new building, or the restoration or re-erection of any old one, as well as to the materials to be used in the erecting or restoring of the same. This Proclamation had been allowed to become a dead letter, and Sir Ralph Woodford found that in every direction houses were being built not only in open defiance of the law, but in almost every case upon plans repugnant to all notions of good taste, and in which the most elementary sanitary rules were utterly ignored. Such a state of things could not be allowed to continue; instructions were issued to the Commissary of Population, who also exercised the functions of Surveyor-General, to carry out strictly the Rules contained in the Proclamation of 1808. A new regulation was also added imposing a heavy penalty upon any workman who should repair any wooden or shingled building, and holders of lots in Port-of-Spain which were not built upon were ordered to enclose them with masonwork, and to keep them clean, and planted with guinea grass or some other useful plant. These regulations undoubtedly pressed very hardly upon some persons and were resented by all, but as in the case of the paving rate the Governor determined to prefer the general welfare to individual interests. Those who contrast the uniformity and regularity of the portions of Port-of-Spain which were built during his term of office with the streets which date from the days of his immediate successors will scarcely be inclined to blame him for his resolution.

In 1816, Port-of-Spain was already a very different town from that into which Abercromby had marched some twenty years before, and although nothing like what it has since become, was even then one of the finest towns in the British West Indies. Marine Square, which, with its double avenue of stately trees, is now one of the most striking features of the town, was then just being laid out on the low line of beach which the Spaniards had dignified by the name of "Calle Marina." In those days, the sea reached where now stand the houses which form the south side of the Square. The present Harbour Master's Office and the Commercial News Room form the upper story of a building now used as the office of the West India and Panama Telegraph Company, but

which was then a Fort built upon a small islet some distance from the shore, with which it was connected by a causeway and drawbridge, the traces of which are still perceptible.*

In 1816, a long reach of muddy seabeach, dotted here and there with woodcutters' huts and nondescript shantys, occupied the site to the eastward of the Mole now covered with blocks of buildings, abutting on broad streets and wharves, amongst which are to be seen the Custom House, the Railway terminus, Government workshops, &c., &c. Brunswick Square was as yet unplanted and was used by the Militia as a parade ground. To the westward of Brunswick Square was a large tract of land, formerly known as the Ariapita Estate, and upon this, which was then a barren waste now stand the Government Buildings, the Court House, the Police Barracks, and the populous and busy district known as Corbeau Town. New Town, now the most fashionable suburb of Port-of-Spain, was then a piece of uncultivated land, covered with what is known in the West Indies as "bush," (Sp. *Rastrajo*) that is a thick undergrowth of brushwood interspersed here and there with a few large trees, and was a favourite resort for sportsmen. The northern boundary of the town was a line running from east to west, along a street called then as now, Oxford Street, and beyond this in the centre of a large open space, the new Gaol was in course of erection. Between the town and the northern range of hills was an abandoned sugar estate belonging to the Peschier family. This was purchased by the Government in 1816, and out of a portion of it was formed the "Queen's Park" as it is now called, a fine open space containing over two hundred acres, dotted here and there with shade trees standing either singly or in clumps. This park is now enclosed with iron railings and a broad road winds round it which is the favourite afternoon drive of the inhabitants of the town, and on this road are situated many handsome houses standing in well kept flower gardens and shaded by trees which at various periods of the year are covered with flowers of the most gorgeous hues.

Previous to the purchase of this property, the Governors who had

* The causeway or mole ran to the southward. Almond Walk now covers it.

succeeded Picton had lived in a hired residence called "Belmont," situated on an eminence above the present Lunatic Asylum, to the northeast of the town. This property gave its name to a quarter then almost entirely covered with high woods but which is now a thickly populated suburb yearly increasing in importance. After the purchase of "Paradise" as the property of the Peschiers was called, the dwelling house of the estate was put into thorough repair and became the residence of the Governors until, when no longer inhabitable, temporary accommodation was found for the Representative of the Sovereign at the "Cottage," a small building at the western extremity of the grounds attached to St. Ann's (as the Governor's residence was called) which had originally been built for one of the Private Secretaries. "*Il n'y a rien qui dure comme le provisoire*" and this temporary arrangement lasted until 1875 when the present magnificent residence was opened by Sir Henry Turner Irving, then Governor of Trinidad, on the 24th of May of that year.

To return to 1816: the Cabildo under the direction and guidance of Sir Ralph Woodford, took active steps to adorn and improve the town. Amongst the foreign settlers in the Island was a certain Baron Schack, a German botanist of great ability. He was employed to superintend the laying out and planting of Brunswick and Marine Squares, the rare and valuable trees in which were procured from Venezuela and the neighbouring Colonies. In all these works Sir Ralph took the liveliest interest. It was his habit to leave his house on horseback at daybreak every morning, and to visit all the buildings in course of construction, the new roads and streets which were being laid down, and especially the planting of the young trees in the Squares. Nothing escaped his keen regards, and his letter books prove that on returning from these tours of inspections he at once called attention to any infringement of regulations or want of diligence in the performance of the work which he had noticed during his ride. On these occasions he invariably wore a broad brimmed straw hat (the comfortable but hideous *solar topee* had not yet been introduced) as a protection from the scorching rays of the sun and this gained for him the *sobriquet* of "*Gouverneur chapeau paille*" by which he is remembered to this day.

Nor did he lose sight of other important questions whilst occupying himself in improving the Town.

The following Regulations shew clearly enough that he certainly did not agree with the views of those who would close the doors of all schools to religious teaching of any kind :—

[BY AUTHORITY.]

Whereas by the 11th Article of His Majesty's Instructions to the Governor and Commander-in-Chief, it is provided :—

“That no Person shall be allowed to keep a School in this Island, without the License of the Governor, first had and obtained,” and an inspection having been made by His Excellency the Governor, and the Members of His Majesty's Council, of all the Schools in this Town, on the 5th day of June last.

It is hereby ordered by His Excellency the Governor, and by and with the advice of His Majesty's Council :

1st.—That henceforth no Person shall be permitted to keep a School, without having first obtained the Governor's License for that purpose.

2nd.—That with a view of encouraging the better and more convenient instruction of Youth, all Houses used exclusively as Schools, and the Residence of the School Master or Mistress, placed in wholesome and airy situations, and approved for the purpose by the Council, shall be exempted from the House Tax, for the period during which they shall be so employed.

That all licensed School Masters employing themselves exclusively in the instruction of Youth, are hereby declared exempt from active duty in the Militia during such employment.

That upon Certificate from the two Alcades de Barrio, to the effect of either of the preceding Clauses, there be inserted a Notice from time to time in the Colonial Papers, of the Persons so licensed and exempted.

That no Fee be charged for the Licenses.

RULES FOR SCHOOLS.

That all Schools for Male or Female Children above five years of age, be kept distinct and separate.

That Licenses for Female Schools be only granted to Females or to married Men, of whose unexceptionable character there shall be satisfactory proof given.

That to no person be given a License for both classes.

That in all Schools the Children be taught to repeat every morning, the Lord's Prayer and the Belief, commonly called the Apostles Creed.

That in all Protestant Schools, the New Testament be read and the Church Catechism taught by heart; and that in those of the Roman

Catholic Religion, the Children learn the Catechism that may be approved by the Reverend Vicar.

That the Parents, Guardians, or Friends of all Children attending the licensed Schools of Port-of-Spain, be held obliged to purchase such Books as shall, from time to time, be ordered out from England for the said Schools by the Illustrious Board of Cabildo, who have resolved to procure the same, and for which the actual price only will be charged.

That each Person on applying for a License to keep a School shall state the course of the instruction proposed to be given, and the terms of it, with Certificates of his or her Moral and Religious Conduct and Character, from the Superior of his Church, and from at least two well-known and respectable inhabitants.

And it is hereby further ordered, that all Persons who shall obtain Licenses to keep Schools for the instruction of Children in this Island, shall be held bound to observe and comply with these Orders and Regulations, or such others, as His Excellency the Governor in the Council, shall from time to time think necessary to promulgate, under the pain of forfeiting their License, and of their future disability to keep a School.

Approved in Council this 6th day of February, 1817.

By Command,

HENRY MURRAY,
Deputy Clerk of Council.

At a Meeting of His Majesty's Council held at Government-House, this 20th of February, 1817 :

Present,

His Excellency,
The Honourable the Chief Judge,
General Loppinot, and
W. H. Burnley,

Resolved,—With reference to the Regulations drawn up and approved by the Board, for the better encouragement of the education of Youth throughout this Colony, that a Committee, at which the Honourable the Chief Judge was requested to preside, and to be composed of the Alcades in Ordinary, His Majesty's Attorney-General, the Rev. Mr. Clapham, and the Rev. Father Riela, Acting Vicar, be named to examine into the moral character and qualifications of those who apply for a License under such Regulations to keep Schools."

Whilst he was thus busying himself to improve the material, social and moral condition of the Colony the enemies of Sir Ralph had not been idle.

That a man who so thoroughly devoted himself to save the best interests of the Colony entrusted to him should have had enemies amongst the colonists, may at first appear strange; but it must be remembered that the very reforms he had already effected and those he was endeavouring to introduce, prejudiced against him many persons whose private interests suffered from his determination to advance and protect those of the Colony in general. These men saw with alarm that they were no longer allowed to manage everything to suit themselves, and they sought an opportunity to commence a series of attacks by which they hoped either to frighten the Governor from the course he was pursuing, or to drive him away from the Colony as they had driven away Mr. Smith a few years before. It was not long before the opportunity occurred.

From the earliest days of the British occupation the greatest difficulty had been experienced with regard to the question of the Crown lands of the Colony, and indeed with regard to all landed property generally. This difficulty arose from two principal causes. During the years immediately succeeding the capitulation it was of course uncertain whether Trinidad would eventually remain in the hands of the British or return to the Crown of Spain, and this alone was a bar to any disposal of lands which might before long revert to their former Sovereign. There was again the peculiar tenure under which lands were held in Trinidad, and which was so contrary to English notions, that even after the final cession of the Colony to the Crown of Great Britain, much difficulty was experienced in dealing with the Land Question at all. The matter was again and again brought forward both at the Council Board in Trinidad and before the House of Commons; but it was not until September, 1815, that Sir Ralph Woodford received a despatch from Earl Bathurst, informing him of the decision of the Prince Regent, that grants of land made by the Spanish and former British Governors should be confirmed, and authorizing the issuing of new grants for the future.

These instructions were acted upon without delay, and on the 5th of the following December, a Proclamation was issued which caused a perfect panic, not only amongst those who had become possessed of lands subsequent to the capitulation, but also in the minds of all the

other land-holders who affected to look upon it as a first step towards a general measure of confiscation and spoliation, and strenuous efforts were at once made to procure its repeal.

In the island itself there was not much apparent movement; those were not days when public meetings could with impunity be held for the purpose of criticizing, still less of opposing, the measures of the Executive, and Sir Ralph Woodford, though not exactly a Picton, was nevertheless not a man to be trifled with. In London, however, the opposition was actively carried on by a body of individuals calling themselves "The Committee of the Land-holders of Trinidad," and which had for its leader and Chairman the former Agent of the Colony, Mr. Joseph Marryat.

This Committee entered into a correspondence with the Colonial Office, and towards the end of the year 1816, Mr. Marryat addressed the following letter to Mr. Goulburn, one of the Under-Secretaries of State* :—

LAWRENCE POUNTNEY LANE,
1st November, 1816.

SIR,

With this you will receive the statement mentioned in mine of the 22nd ultimo, and when Lord Bathurst has taken it into consideration the Committee will be happy to be favoured with some communication of His Lordship's intentions as to the subjects to which it relates.

The Committee are instructed by their legal advisers, that the new rights claimed for the Crown and enforced by Sir Ralph Woodford, upon lands held in Trinidad under Spanish grants may be effectually resisted in a Court of Appeal, but had much rather owe the redress of that and the other grievances of which the inhabitants of Trinidad and others interested in that Colony complain, to the grace and justice of His Majesty's Ministers, than to any other mode of proceeding, and with this feeling submit the present statement to their consideration.

I have, &c.,

JOSEPH MARRYAT.

To this letter the following reply was returned :—

DOWNING STREET,
8th November, 1816.

SIR,

I have laid before Lord Bathurst your letter of the 1st instant, transmitting a statement of the Committee of the Land-holders of Trinidad,

* The nature of the Land Proclamations of Sir Ralph Woodford can be fully understood from the correspondence in the text.

signed with the names of Joseph Marryat, J. H. Ruckers, John Inglis, W. Lushington and W. Manning, and am directed to acquaint you that Lord Bathurst will cause proper measures to be taken to enquire into the truth of the facts stated in the Memorial which are of a description to require inquiry and which the documents in this Office may not sufficiently explain.

At the same time Lord Bathurst must remind the Memorialists that the misapplication of the money voted by Parliament for the relief of Trinidad has left a heavy charge upon its Government; that the continuance of the Spanish laws is with the entire acquiescence, and the measures taken for the registration of slaves, with the full approbation of Parliament.

I have, &c.,

HENRY GOULBURN.

The statement referred to in this correspondence was nothing less than an elaborate impeachment of the administration of Sir Ralph Woodford from the date of his arrival in the Colony. It is too lengthy for insertion, but the whole of the correspondence is to be found in the "Parliamentary Papers relating to the Island of Trinidad," which were printed by order of the House of Commons in February, 1823. To those papers frequent reference will be made in this and succeeding chapters, and extracts will be given from them when necessary.

The Proclamation of December, 1815, was the immediate cause of the action taken by the Committee of Land-holders. In the meantime, however, and whilst their Memorial was under the consideration of the King's advisers, that Proclamation had been considerably modified by another issued in November, 1816, declaring that:

"The Quit Rent of 5/- currency (or 2/- sterling) would not be enforced in the case of lands granted, held or occupied previous to the Conquest by His Majesty's Arms however defective the grant, tenure or occupation of the said lands might have been; provided that the actual occupiers should within two months pray for the confirmation of the lands; and provided also that nothing should exempt the said occupiers from complying with the terms of the proclamation of December, 1815, as to putting their lands into a state of cultivation and placing negroes upon them in the proportion already mentioned, on failure of which the Quit Rent would be exacted."

The statement of the Committee of Land-holders commenced thus: "Unjust in principle," "oppressive in their operation." "Various

heavy burthens have lately been imposed upon the inhabitants of Trinidad by additional taxes . . . and by the Proclamation respecting the Grants of Land made under the Spanish Cedula of 1783," and then went on to characterize certain clauses of the Proclamation of 1815, as it was contended by the petitioners, that: "The new rights claimed by the Crown destroyed the security of all private property and laid every man at the mercy of the Governor. The system of confiscation had no limit; no man could see where it would end. Many of the proprietors had an immemorial possession in their lands; others, a just title by prescription; all, a full enjoyment for more than twenty years since a capitulation which had guaranteed to every one his property and pledged the British Government to consider all contracts made according to the Laws of Spain as binding and valid. Numerous sales and conveyances had taken place of lands held under the same titles, and many of them under the express authority of Courts of Justice for all of which valuable consideration had been paid. The declaring these properties forfeited to the Crown, as being held under titles either defective or absolutely void, would open a door to endless litigation and throw all the landed property of the country into the greatest confusion"

In support of their complaint they alleged:—

1. "That the Grantees under the old Spanish Government held their lands exempt from any qualification or restraint," an assertion they sought to prove by quoting the words of the Cedula of 1783, declaring that the settlers under it were to hold their lands "*gratuitously for ever*."
2. That "by the capitulation, the possessors of lands in Trinidad were entitled to hold them upon the terms upon which they were originally occupied and cultivated, and that any violation of these terms would be a breach of good faith and an actual infringement of the capitulation."
3. They denied that "by the Colonial Laws of Spain, that is to say, the Laws of the Indies, lands were liable to resumption for defect of, or for partial cultivation, and that (as was contended by him) the Governor was only enforcing against the holders of estates a condition always attached to and inherent in them. Besides they observed the Cedula of 1783 dispensed expressly with all Laws and Regulations contrary to its articles and the

Proclamation of Governor Chacon* applied only to those who had occupied lands without any title at all, and cautiously exempted from the resumption of lands for partial cultivation all who possessed them under condition of conforming to the Regulations contained in the Royal Ordinance (Cedula) of Population."

They maintained that all the law of Spain required from the Grantee was that he should reside upon and cultivate the lands assigned to him for the term of four (or under the Cedula of five) years. Quitting the island within that time, the lands granted to new settlers by the express terms of the Cedula were to devolve to the Crown, and that was the only forfeiture contemplated by the Spanish Government. After such probationary period the law gave every settler absolute dominion over the lands and the right of disposing of them by sale or in any other manner he pleased.

The Committee objected to a clause of the Proclamation which made it obligatory to place and keep a certain number of negroes or other labourers upon the land; first, because no such condition had been imposed under the Spanish Rule; and, secondly, because even had it been so imposed the British Government by abolishing the Slave Trade had completely changed that condition of the Labour Market which alone rendered compliance with such a clause possible.

Another clause providing for the Resumption of Lands when needed for the Public Service was complained of by the Committee as a new right set up by the Crown and one which taken together with the proposal of indemnifying the ousted proprietors out of the unalienated lands "placed the property of every individual on a most precarious footing, leaving him liable to be ejected from his house at the pleasure of the Governor, and referred for his indemnity to that waste land of the Colony which is of no value."

With respect to those titles which were stated in the Proclamation to be invalid, either from the neglect of the owners or from the want of some specific declaration of the Royal pleasure, thereupon it was urged, with regard to the first alleged defect: "That though the 3rd Article of the Cedula of 1783 prescribed that all Grants of Land

* Vide *infra*.

should be registered in a Book of Registry (*en un Libro Becerro de Poblacion*), it neither imposed the duty of registering them upon the new settlers nor made the registry itself essential to the validity of their titles."

"The 3rd Section" they contended was directory merely, not conditional. It was the duty, not of the Grantee but of the Officers of the King of Spain to make the registration, and no penalty could legally be imposed upon the former for an omission which was not attributable to themselves.

It was further asserted by the Committee that: "It was a matter of notoriety that the neglect of the Spanish Escribanos to make the entries in the Libro Becerro was caused by the refusal of the Grantees to pay fees for the registration believing the demand for them to be an attempt at extortion on the part of the Officials."

The most obnoxious part of the Proclamation of 1815, was that clause which rendered all lands, whether registered or not, liable to forfeiture if not cultivated, or if only cultivated in part. This the Committee strenuously opposed as an arbitrary and illegal innovation.

In replying to these charges the Governor observed :

"That a regulation defining the boundaries of lands, or leading to an authenticated measurement of them with a neighbouring proprietor, could not be justly said to foment litigation or to weaken the security of those who advanced money upon the property. The blame of any loss sustained by the parties should not be charged upon the Government which having detected had always provided a remedy for the defect of titles ; whose object was merely to enforce order and regularity in such, to regulate their enrolment and to put upon record for the information of any lender of money the interest and means of the proprietor."

In direct opposition to the view taken by the Committee, the Governor contended that both by the special enactments of the Cedula of 1783, and by the general Law of Spain, *all* lands were held under a clear and well understood condition that they should be duly cultivated ; and he also maintained that Grantees were bound to register their Grants themselves. The plea set up by the Committee that the existence of plans or surveys of lands in the possession of occupiers constituted a title equivalent to a concession from the Crown, the

Governor treated as a mere assertion entirely unsupported by either authority or practice, and he denied that the words of the Cedula "gratuitously for ever" upon which so much stress was laid by the petitioners as barring the right of the Crown to impose quit rents or fines, were, either in their ordinary legal sense or in that in which they were used in the Cedula, synonymous with the word "unconditionally." The resumption of lands when required for the Public Service he maintained to be a right always possessed by the Kings of Spain, and which therefore at the Capitulation had passed to the King of England.

The above is a concise statement of the case as it stood between the Governor and the Committee of Landholders at the end of 1816.

As a matter of fact there were two main issues to be determined.

1. What were the lands which at the signing of the Capitulation were really private property so far as by the then existing law they could be considered such? and
2. Whether the proclamation of the 15th of December, 1815, interfered with the legal rights of existing land-holders, or was inconsistent with, or repugnant to, the Spanish law so far as that law applied to Trinidad?

To clearly understand this most important question, it is necessary to examine the principles upon which Sir Ralph Woodford founded his Land Policy, and the first step to be taken is to read carefully the terms of the Capitulation,—a document to which both parties appealed in support of their views.

Article I ran thus :

"The Officers and troops of His Catholic Majesty and His Allies in the Island of Trinidad are to surrender themselves prisoners of war and are to deliver up the *territory*, forts, buildings, &c., &c.. belonging to His Catholic Majesty, and they are hereby transferred to His Britannic Majesty *in the same manner and possession* as has been held heretofore by His said Catholic Majesty."

In other words, whatever dominion had been exercised over the lands of Trinidad by the Kings of Spain passed unaltered to the King of Great Britain.

The next question is: What had been the nature and extent of that dominion and how had it been exercised whilst Trinidad was a Colony of Spain?

In October, 1754, a Royal Cedula was published in which were announced the formalities to be observed by all persons desirous of acquiring lands in the Indies, as the Spanish possessions in America were called. By this Cedula the Viceroys and Presidents of the Courts of Royal Audience in the Colonies were directed to appoint Sub-Delegates before whom and with whose sanction the sales and *composiciones** of, or with regard to the Crown lands were to be executed.

The 3rd article of this Cedula directed that as soon as the Sub-Delegates entered upon their duties, they were to issue orders throughout their Provinces and Districts to the effect that :

“ Every and each person in possession of Crown lands, whether cultivated or not, since the year 1700 to date, should appear personally or by a representative before the Sub-Delegate, to shew his titles to the possession of the said lands, under penalty of being dispossessed and ejected.”

If, when the titles were produced, it appeared from them that the holder of the land was in possession by a title of sale, or *composicion*, executed before a Sub-Delegate appointed previous to the year 1700 ; then, although the same should not have been confirmed by the King or the Viceroy, he (the holder) was to be left in free and undisturbed possession, and a note to that effect was to be inserted upon his title to protect him from any future molestation on that account ; and should any such holder of land be unable to produce any title, then the evidence of witnesses as to his ancient tenure was to be admitted to prove a just title by prescription, under the condition that if he should not *have cultivated or worked upon the said lands* he must then comply with the provisions of the 11th Law, Tit. 12, Book 4, of the Recopilacion de las Leyes de las Indias which enacted that :

“ Any inhabitant or settler to whom a grant of land shall be made must take possession of the same within three months and must plant all the limits and boundaries with willows and other trees, if the weather be seasonable, so that after putting the land in good condition they can make use of the land which they may want, under the penalty that if the

* The *composicion* was the redemption for a sum paid down, of the annual Quit Rent payable to the Crown.

aforesaid trees be not planted within the said term the lands will be forfeited and given to any other person who may ask for them.”*

After dealing with some minor details the Cedula (Art. 12) enacted that :

“In Provinces distant from the Audiences and without communication with them save by sea, such as Caracas, Havana, Cartagena, Buenos Ayres, Panama, Guatemala, Cumana, Margarita, Porto Rico and others like these (*e.g. Trinidad*) the confirmations of Grants are to be issued by the Governors with the concurrence of the Crown Officers and of the Assessor where there is such an Officer.”

Provision was made that in the absence of an Assessor the Governor should consult some lawyer, either in or out of his District or Government, no decree of his being valid unless signed by some legal Assessor as well as by himself.†

The above is a brief summary of the Spanish law in the American Colonies of Spain, in accordance with which had been made all alienations of Crown lands in Trinidad previous to the publication of the Cedula of 1783.

In the “Statement of the Committee of Land-holders” it was contended that all the laws relating to land which had previously existed were abrogated so far as regarded Trinidad by that Cedula, which, it was urged, contained within itself special Regulations which the King of Spain had made for that Colony, under the new system of colonization suggested by Roume de St. Laurent. On this really rested the whole case at issue, and it remains to be seen whether the view thus held was justified by facts.

* The Spanish words in the Cedula which are here translated “lands” are “*Bienes Realengos*”—“Royal domains”—and these words are used throughout in referring to lands both before and after alienation. This goes to shew that whilst the *usum* passed to the grantee the *dominium* remained with the Crown.

† With reference to this a curious question arises which might seriously affect the ownerships of property in Trinidad at the present day. Does the Court of Intendant still exist in the Colony or does it not? If it exists, it exists not under English but Spanish Law, and therefore no Grant is valid unless signed by the Governor and his Assessor. The Ordinance No. 8 of 1879, it may be contended confers upon the Governor *alone* all the powers of the Court of Intendant, but on this two other nice questions arise :

1. Can an Ordinance even if approved annul the *lex loci* of a conquered Colony?
2. It was not the Court of Intendant which made the Grants, but the Governor in his Court of Intendant, which Court without an Assessor had no legal existence.

The Cedula of 1783 was undoubtedly framed for the express purpose of attracting settlers to Trinidad, whether Spanish subjects or not, and in this it formed a marked and probably a solitary exception to the traditional policy of Spain from whose Colonies foreigners were rigidly excluded. No mention was made in it of any obligation to bring the granted land under cultivation within any fixed period, nor was any reference made to the payment of any tax, quit rent or tribute of any kind, except in Art. 6, which was thus worded :

“No capitation money or personal tribute, however small, shall be imposed upon the inhabitants at any time, save and except the annual sum of one dollar for each negro or coloured slave, to be paid after a ten years’ residence in the island.”

The 2nd Article, however, contained a clause which admits of an interpretation quite at variance with the view taken by the framers of “the Statement of Landholders.”

“All foreigners” it stated “who shall be admitted agreeably to the 1st Article (*i.e.*, on profession of the Roman Catholic Faith) to reside in the said island, shall take before the Governor thereof, the oath of fealty and submission by which they shall promise to obey the *Laws and General Ordinances* to which Spaniards are subject, and immediately there shall be granted to them in my Royal name gratuitously for ever the lands proportionally mentioned in the following Rules. . . .”

Taken by themselves, the words “gratuitously for ever,” are undoubtedly very strong, but if read in conjunction with Article 7 of the Cedula, it will be seen that they are very far from proving that it was the intention to make absolute and unconditional Grants to the settlers. That Article was thus worded :

“During the first five years of residence the Spaniards and foreign settlers shall have liberty to return to their countries or former places of abode. . . . it being well understood that the lands which have been assigned to such settlers who shall afterwards voluntarily quit the island, shall return to my Royal Patrimony to be given to others, or disposed of as shall appear to me most fit.”

If, as the framers of the “Statement” contended, the Grant to the new settler gave him at once absolute possession and dominion of the land granted, how could he be made to forfeit that land if he left the Colony within five years? The real meaning of the words appears to be that holders of lands in Trinidad, were to be for ever exempted from the Quit Rents and other Land Charges,

which in all the other Spanish Colonies attached to Grants made under the Cedula of the year 1754.

It is reasonable to suppose that Chacon to whom had been specially confided the carrying out the experiment contained in the Cedula of 1783, was well acquainted with the intentions of the Government he represented, and it must be conceded that the Records of his administration are better evidence of the real state of the Law than the assertions made by interested individuals twenty years after the Capitulation. The following extracts from those Records shew how questions affecting the relations between the Government and the occupiers of land in Trinidad were dealt with from 1783 to 1797.

The first is a copy of the proceedings in the Court of Intendant with regard to a Grant of Land in the Valley of Cuesa :—

DON JOSE MARIA CHACON, Governor of the island of Trinidad and its Dependencies, &c., &c., &c.

Whereas Mr. A. G., a new colonist, has been received with the prescribed formalities, as appears by the entry in the Libro Becerro at f^o. 418, the tenour whereof is as follows :—

Mr. A. G., a native of the island of Martinique, in the territory of the Kingdom of France, arrived in this island on the 4th day of November, 1781, and was received as a colonist on the 28th day of September, 1786, having proved himself a Catholic and taken the oath of allegiance and vassallage prescribed by His Majesty in the 2nd Article of the Royal Cedula of the 24th November, 1783, as appears by the original documents existing in the office of the Escribano of the Cabildo.

CHACON.

Before me,

LOUIS CENTENO,
Escribano.

In consequence whereof, he having solicited, under date of the 2nd September last, that I should grant him a title to a lot of land containing which he now occupies in the valley of Cuesa, which quantity corresponds with the number of his family and slaves introduced by him into the island, I ordered his petition to be referred to the First Commissary of Population for his consideration; and having seen his Report thereon, I made the Decree which is attached to these proceedings.

CHACON.

Before me,

ALCALA,
Escribano.

The proceedings here referred to, were :—

1.—The Petition.

I, A. G., a new colonist, a naturalized inhabitant of this island, appear before you with all due respect and say that I occupy a certain portion of land in the Valley of Cuesa, which was allotted me by the Government, containing _____ whereon is established a sugar manufactory ; and whereas I find that I have a sufficient number of free persons and slaves in conformity with the Royal Instructions for the purpose of obtaining a title to the said land, Your Excellency is prayed to be pleased to deliver me the same in due form, &c., &c., &c.

A. G.

His Excellency
DON JOSE MARIA CHACON,
&c., &c., &c.

Let this be referred to the Commissary of Population.

CHACON.

JURADO,
Assessor.

This is the Decree of His Excellency the Governor and Commander-in-Chief, who signed it with his Assessor in Port-of-Spain, the 2nd day of September, 1796.

JUAN A. ALCALA,
Escribano.

I immediately notified the Petitioner and passed the Petition to the Commissary of Population.

ALCALA.

2.—Report of the Commissary of Population.

Mr. A. G., inhabiting the quarter of Cuesa, occupies a sugar estate which has been measured by Mr. Etienne Maingot, Land Surveyor of this Government, containing _____ as appears by the plan and *procès verbal* annexed.

He is naturalized and has the number of persons in his family as required by the Royal Instructions : a Title can therefore be given to him.

GASPAR DE LA GUARDIA,
1st Commissary of Population.

Port-of-Spain,
3rd September, 1796.

3.—*Report of the Surveyor.*

I, the undersigned Land Surveyor, certify that by order of Don Gaspar de la Guardia, First Commissary of Population in this island, I repaired to the quarter of Carenage and Valley of Cuesa, to measure the lands already put in cultivation by Mr. A. G. and the Crown Lands thereto adjacent, and to this effect I caused the boundary neighbours to be summoned, and in their presence and that of the Petitioner I commenced the admeasurement. (Plans and *procès verbal* attached.)

ETIENNE MAINGOT,
Surveyor.

4.—*Proceedings before the Court of Intendant.*

Having seen the foregoing proceedings instituted at the request of Mr. A. G., a naturalized new colonist, His Excellency declared that he approved the measurement and plan that accompanied the Petition; and, the Petitioner having introduced the number of free persons and slaves entitling him, according to the Royal Instruction to a Grant of

being the amount of land now occupied by him in the Valley of Cuesa, His Excellency ordered that a Title should be delivered to him; granting to him by the said title the aforesaid lands, for himself, his heirs and successors and assigns in conformity with the Decree of His Majesty, in His Royal Cedula of the 24th November, 1783, under the condition that the water, wood, minerals of lime, stone, gypsum and others useful for the improvement of manufactories and buildings should be common to the neighbourhood; and thereupon His Excellency made his Decree which he signed with his Assessor in Port-of-Spain, this 5th day of September, 1796.

JOSE MARIA CHACON.

JUAN JURADO,
Assessor.

Before me,
DIEGO A. ALCALA,
Escribano.

Wherefore, in virtue of the faculties granted to me by His Majesty, I have agreed to grant in His Majesty's name, to the said A. G., for himself, his heirs, successors and assigns, the land, consisting of which he now occupies in the valley of Cuesa, according to the plan accompanying this grant, with faculty to rent out, transfer and alienate it, with full and absolute dominion, he conforming himself in every respect to the regulations respecting population.

For the security and protection of the said A. G., I have ordered this present title to be delivered to him, an entry whereof shall be made in the Libro Becerro, as also in that of Grants and Benevolences of the King, in the Treasurer's Office where the persons interested will apply.

J. M. CHACON.

Before me,

J. M. DE ALCALA,
Escribano.

Port-of-Spain,
7th September, 1796.

In the foregoing translation of an existing Grant, one of hundreds of precisely similar tenour, there are several points deserving of attention.

In the first place the word "*posesion*" in the original Spanish Grant is translated by "occupancy" and not "possession." This is in a legal sense correct, as the petitioner was praying that the lands he had *occupied* for five years might be confirmed by a title of possession. It must also be observed that the words "absolute dominion" cannot be understood in the full English sense of the words when the holding of the land was fettered with such conditions as that of a free use to all neighbours of the wood, water and minerals contained therein, and "a strict conformity with the Regulations respecting Population." What was the scope of those Regulations will shortly be seen.

It is clear that so long as the Spanish Law was in force as the law of the Colony, the legal terms used in that Law could only have the signification given to them by Spanish Courts, and that the mere translation of them into English could not give them the same value and meaning as they would have in an English Statute. The word "*herencia*," for instance, is the Spanish for "inheritance," but the Spanish law of inheritance was and is widely different from that of England, and the two words are therefore not in a legal sense equivalent. This being so, it was a mere assumption on the part of the "Landholders" that the wording of the Grants gave to the grantees absolute titles, in the English sense of the word. They could only have received what the Spanish Crown by Spanish Law could give and nothing more.

From the Grant which has been cited, it would seem that the proceedings in the Court of Intendant were expeditious enough until it reached the Treasurer's Office, where it remained for about six months before being finally registered, as appears by the following certificate on the proceedings:—

“The foregoing title was entered in the principal Military Treasury and Office of the Royal Revenue under my charge, at Port-of-Spain, in the Island of Trinidad, to Windward, on the 2nd February, 1797.

“MANUEL SORZANO,
“Treasurer.”

There is no mention of fees on the face of these proceedings, but when evidence was taken before a Royal Commission in 1827, this same Don Diego Alcala, whose name appears in them, stated that:

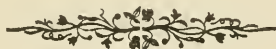
“The sum paid by the parties to whom titles for Grants of land were issued during the time of the Spanish Government, inclusive of the fees of the Governor, the Secretary, fees for entry in the Libro Becerro and the Libro de Mercedes, as well as the amount of the stamped paper, amounted to from forty-five to fifty dollars in each case.”

There can be no doubt that these fees were amongst the principal causes of the disorder and confusion which afterwards existed with regard to titles to lands in Trinidad. In their “Statement” the Committee of Landholders assumed that, because in the Cedula of 1783, no specific mention was made of fees, that their exaction was illegal, but it is highly improbable that Chacon would have imposed them unless perfectly satisfied of his right to do so. Surely some protest against so bold an extortion would have been made during the fourteen years which elapsed between the publication of the Cedula and the capture of the Island, and would at least have been heard of after the departure of Chacon and long before 1816. It is far more probable that the scarcity of ready money which existed at the time in the Colony, joined to a feeling that Chacon was not likely to be very severe in enforcing the rights of the Crown, led to a delay in registration of which it was afterwards sought to take advantage. After the Island had fallen into the hands of the British, those persons who had not perfected their titles by registration very naturally kept quiet; they had no desire to expose themselves to the risk of being dispossessed and preferred waiting

on events, feeling that the lapse of time would at any rate strengthen their claim to be left undisturbed. That this was the case may be fairly inferred from the fact that when Sir Ralph Woodford received the long asked for authority to dispose of the Crown Lands, so few titles had been registered that on the 14th June, 1816, the following Resolution was passed by the Council:—

“Considering the negligence of those in whose charge the Libro Becerro was kept, all persons who have regular Grants which merely want the formality of being noted therein should be considered as on the same footing as those whose Grants are regularly noted.”

It was further resolved that a representation in favour of Spanish occupancies should be made to His Majesty's Ministers by the Board of Council, recommending that they should be relieved from the Quit Rent of 5/- per quarrée, imposed by the Proclamation of 1815—a recommendation which was approved a few months later.





CHAPTER VII.

THE important question which was now in issue, cannot be understood without reference to the various Proclamations and Regulations concerning Land issued by Chacon in connexion with the Cedula of 1783.

In December, 1784, he published a Government Order, in which it was stated that from various causes the entries in the *Libro Becerro* prescribed in the 3rd clause of the Cedula had not been made, "whereby the greatest prejudice had been occasioned, as well as contradictions in the Decrees which had in consequence been given, as well in those respecting the Grants of Land, as those relative to the good regulation and economy of the population." In order to remedy this state of things it was directed that:

"All the colonists who had been admitted previous to the date of the publication of the Cedula should appear before the Governor and renew their oaths of allegiance, making a Report of the Lands which had been apportioned to them, and making entries thereof in the *Libro Becerro*, specifying particulars so as to obviate for the future all possible obscurity."*

The penalty for contravening this Order was forfeiture of the right to be considered a colonist within the meaning of the Cedula, and of any future favours which the King might think fit to confer upon the Trinidad settlers as a body. This Order, or Decree, being signed by Chacon, as President of the Court of Royal Audience, and countersigned by his assessor Don José Damian de Cuenca y Bocanegra, became Law at once and remained in force unless disallowed by the King.

In July, 1785, another Decree was issued. In it the Governor

* This of itself shows that Sir Ralph Woodford was not claiming any new power, but was simply acting within his power as Intendant for the King of England as Chacon had done as Intendant for the King of Spain.

dwelt at great length upon the anxious care taken by him ever since his arrival in the island to carry into effect the Cedula of 1783. He also referred to the obstacles he had encountered which he stated to have been chiefly caused by "confusion, contradiction, and uncertainty in which landed property is involved from the arbitrary occupancy thereof by the ancient Spaniards* without previous form, concession, admeasurement or demarcation of boundaries, insomuch that although the richest and most fertile lands are actually wild and uncultivated, there is scarcely a spot remaining that can be granted to the new colonists which is not claimed as the property of the aforesaid Spaniards without any other title than their own voluntary occupancy or that of their ancestors."

"A traffic," continued the Decree "has recently sprung up which has completely thwarted the objects the Government proposed by the Cedula of 1783, the Spaniards themselves whose poverty and habitual indolence incapacitates them from cultivating and giving a real value to their pretended properties being in the habit of selling them at exorbitant prices to foreign settlers."

To remedy the "chaos of confusion, perplexity and controversy" which had arisen, the following Regulations were embodied in the Decree :—

1. All lands which had not been alienated by a former title of concession, admeasurement, and definition of boundaries in conformity with the Law were declared to be Crown Lands and to belong to His Majesty.
2. In cases then pending respecting uncultivated lands immemorial possession was not to be admitted as conferring a sufficient title, it being the intention of the King to enter into the possession thereof, against whom there was neither *usucaption* nor prescription, such being in cases of this kind injurious to the State and to the common welfare of the nation.
3. Those persons who were already in possession of lands (ungranted), whether by inheritance or by having occupied them themselves, the same being cultivated and the value thereof appraised, were to be entitled to a gratuitous Grant thereof, in preference to other applicants, on condition of their applying for their titles of concession within three months from date of the Pro-

* Original settlers and their descendants.

clamation under a penalty of losing all right and claim to the said lands if they did not so apply.

4. By this clause provision was made for compensation in certain cases in which lands were granted to a new colonist in consequence of their having been uncultivated by the original Grantee.

Clauses 5 to 9, related merely to questions of detail, but clause 10, shewed clearly that the framers of the Cedula of 1783, did not intend complete alienation of the Crown Lands. It was thus worded:—

“Whenever the Government shall grant Crown Lands, and any one shall have cultivated a part he may be dispossessed thereof on condition of his being paid the value of the plantations or provisions that may be found thereon and other expenses he may have incurred on his establishment.”

As may be easily understood, this Decree was a serious difficulty in the way of the Committee of Landholders, and they endeavoured to remove it on the ground that it had never been confirmed by the King of Spain, and had, therefore, no force in Law. Even had this objection been founded upon fact it would not have amounted to much, for far more stringent regulations had been afterwards enacted, which *did* beyond all doubt receive the Royal sanction. There is, however, strong presumptive proof that the Decree of July, 1785, *was* confirmed by the King of Spain, for in 1791, six years later, it was referred to and acted upon by Chacon in the Court of Intendant, in a suit of Don A. A. Farfan, against Don Miguel de Gourville. When it is remembered that such a Decree if not disallowed within *two* years would have lapsed, it must be supposed that in referring to it *six* years after its promulgation, Chacon and his Assessor knew that it had been confirmed.

It must also be remembered that when Roume de St. Laurent succeeded in inducing the Court of Madrid to abandon in favour of Trinidad its traditional policy of excluding foreigners from the Spanish Colonies, neither he nor Chacon could foresee the elements of which the immigration would ultimately be composed.

The first influx of immigrants after the publication of the Cedula of 1783, was more noteworthy for the character and social position of those of whom it was composed than for its numbers. Mr. Bégorrat

many years later was examined (in 1825) before a Committee of Council, when he stated :—

“ I have been a resident in this Colony since April, 1784. On my first arrival there were but two estates which could be called “ sugar estates ;” there were some small establishments called “ *trapiches* ” which manufactured a low description of sugar called “ *papelon*,” from which the molasses was not extracted, which was wrapped up in a piece of dried plantain leaf, and generally in forms of about 3 lbs. weight. The Island did not manufacture sufficient sugar for its own consumption ; the greater quantity consumed came from the other islands, and some of the “ *papelon* ” from the Spanish Main.”

For some years after the publication of the Cedula, the Colony, to judge from the statement of Dr. Alexander Williams, another witness examined before the same Committee, did not improve very rapidly :—

“ I have been over thirty years in the Colony,” (he said) “ since 1793. . . . The cultivation was then limited ; chiefly confined to cotton, with a little coffee and cacao. I do not recollect more than one sugar estate ; the sugar chiefly consumed in the Colony was at that time brought from the Spanish Main.”

It would seem that the early settlers who took advantage of the Cedula of 1783, contented themselves with taking quiet possession of their Grants and although certainly more active, differed but little in their mode of life and manner of carrying on their estates from the older colonists who had preceded them. Suddenly, however, they were startled out of their indolence by the influx of the refugees from St. Domingo, followed not long after by the Republican fugitives from the other French islands, driven from them by the British troops. These restless spirits soon began to give trouble, and Chacon found himself placed in a difficult and dangerous position, without the means of enforcing submission from men whose political creed taught them that disobedience to all constituted authority was the first duty of a true Republican.

Under such circumstances it would have been madness on his part had he, by a rigorous application of the law, alienated the sympathies of the landed proprietors. The result of the policy he was thus forced to pursue was that in very many instances lands remained with the original occupiers until the island passed into the hands of the British,

although their Grants not only had not been confirmed, but from many causes had legally become forfeited.

That this view of the state of affairs is correct, is proved by the following extract from a memorandum, drawn up by Mr. Bégorrat for the information of the Committee of Landholders, and which was published in the "Parliamentary Papers relating to Trinidad." In this memorandum, referring to certain documents appended to it, Mr. Bégorrat stated :—

"The document No. 2 is the Bando or Proclamation published in 1785. . . . It is a notorious fact well known in the Colony that this Proclamation was never approved, and consequently from that defect could not have any legal force.* All the old settlers who were able to protect their properties, no matter by what title they held them, at all events those who had cultivated their lands, resisted the working of the Proclamation, and *Chacon never dared* to enforce it except in the cases of some few men of colour, whose lands he took to give to new settlers, compensating the former by payment for their cultivation."

In those few words, "*Chacon never dared*," much is revealed ! Holders of land were left in illegal possession because the Spanish Governor in his trying and critical position did not dare to enforce the law ; and when in later years a British Governor, less timid or more favoured by circumstances, insisted that the wrongful possession should at least be legalized, these same persons or their successors sought to justify their possession by the fact that it had been formerly unchallenged.

It must not be understood from the expressions used by Mr. Bégorrat that the "resistance" alluded to on the part of the old colonists ever took the form of an action in a Court of Law. It consisted in simple disobedience on the part of a body of men who felt themselves strong enough to set the Governor and the law at defiance ; and what the landed proprietors of Trinidad did under Chacon a century ago, has been often repeated during the years that have since elapsed. That Chacon was unable to enforce the law did not cancel or annul it, and those who persisted in the occupation of their lands without having fulfilled the prescribed formalities were un-

* See Ante, p. 78, for a contradiction of this assertion.

doubtedly in illegal possession and liable to be dispossessed, and hence the vehement opposition to any legislation which would lead to a tracing of titles.

To return to the different attempts made by Chacon to carry out the Cedula of 1783. On the 3rd January, 1787, a Government Order was published, in which, after enumerating the great advantages which must result to the Island from extended cultivation and increased commerce the Governor continued :

“And although these objects have most particularly occupied my attention since I have assumed the Government, I have not yet been able to satisfy my desire and personally to remedy the disputes and various suits which I have found existing, for want of the knowledge, order and method with which lands should formerly have been given and received.

Since therefore my care ought to be extended to all parts, and that not being able personally to examine into the merits, nor into the correctness of the information given upon certain subjects, I have frequently found the decision and conclusion of suits impossible ; I have for these reasons, and in order to fulfil my obligations, represented to His Majesty the necessity for creating at least three Commissarys of Population, whose sole duty it should be to attend to the distribution of lands and matters thereto belonging ; and His Majesty having been graciously pleased to attend to the urgency of my prayer, has ordered the appointment of three Commissarys, whose functions and employment are to be such as according to circumstances I am to determine.”

No attempt was ever made to impugn the legality of this Proclamation, and it therefore becomes important to ascertain how far the instructions issued under it to the newly-appointed Commissarys of Population were in accordance with the Decree of 1785, which, on the authority of Mr. Bégorrat, the Committee of Land-holders asserted to have never had any legal force.

The Instructions were very voluminous, but the following were the most important :—

1. The Island is divided into three Districts, each in charge of a Commissary.

The first District will comprise the Quarters of Las Cuevas, Salibœa, Guanapo, Tacarigua, Tragarete, Maraval, Diego Martin and Carenage.

The second—Naparima, Galeota, the Cocal and Guataro.

The third—Guapo, Los Gallos and Guayaguayare.

2. The principal duty of the Commissarys will be to obtain the most exact knowledge of the localities in their Districts ; to know the lands which have been granted and those which remain to be granted, the

number of labourers on each estate and the cultivation carried on upon it; to inspect the navigable rivers, the roads which have already been made and to indicate those that should be made; to facilitate the transport of produce and whatever can further conduce to the Agriculture, Commerce and Population of their Districts and the security and happiness of their inhabitants.

* * * * *

6. Every estate shall be measured or surveyed before the Title is given, because without this every property is liable to be disputed . . .

7. All Surveyors will be at the orders of the Commissarys for making surveys.

* * * * *

9. The Commissarys will hear the parties who may have any claims with regard to lands and settle the same amicably whenever it may be possible; and when necessary they will take formal proceedings, following the ordinary routine until the same be in a state of judgment when the papers will be remitted for the determination of the Intendant.

A few months later the following Circular was sent to the Commissarys :—

OFFICE OF HIS EXCELLENCY THE GOVERNOR,

PORT-OF-SPAIN,

12th March, 1787.

“You will bear in mind that all lands given to the inhabitants are given with the condition that they shall occupy, cultivate, and make them valuable; and therefore in all concessions hitherto given, the time has been particularly specified to some, and to others it has been presumed; and all those who have not complied with this essential condition remain without any right whatever to the lands conceded to them, and they will be applicable to any other subject who chooses to cultivate them. You will bear this in mind and proceed according to the Ordinance for this purpose in all the cases which come before you.”

J. M. CHACON.

On the 28th of October, 1788, the powers of the Commissarys of Population were still further extended and they were then charged with the duty of making returns of the population, keeping records of the state of agriculture in their respective divisions, and the making and keeping in good order of the roads as well as the general police and the protection of the slaves.*

* These are the duties which the Wardens (*minus* of course the protection of the slaves) were originally intended to perform, instead of which their time is now chiefly taken up with Revenue and Excise matters.

On this occasion fresh instructions were issued to them, and amongst others, the following :

POPULATION.

1. The First Commissary shall keep an exact Register of all the families already established in the island, entering that of each Quarter in a separate book, expressing the class to which they belong, the nation and country whence they came,* the number of individuals comprising the same, distinguishing the free from the slaves ; the augmentations or diminutions since their arrival in the Island, and the occupation of each.

* * * * *

4 The First Commissary shall present in the month of December in every year for the information of the Governor, a list of the actual population, noting the births and deaths in the course of the year.

* * * * *

6. It shall be his duty to inform himself of the mortality of each Quarter, to compare one with the other, and where it is found to be excessive, particularly among the slaves, he will endeavour to learn the cause, and if possible to prevent or correct the same.

AGRICULTURE.

1. The plantations shall be registered in the same book with the inhabitants of each Quarter along with plans showing the extent of the same and the boundaries.

* * * * *

6. No inhabitant can alienate, sell or renounce the proprietorship of his land in favour of another, entirely or in part, without the knowledge of the Chief Commissary, who is to note whatever alterations are made in each property in the book of the Quarter without which formality all contracts are void.

MEANS OF COMMUNICATION.

1. The making of Royal Roads, and their direction will be the business of the Chief Commissary, and it will be his duty after consultation with the Commandant and chief persons of each Quarter to lay before the Governor the plan of direction, the estimate of cost, the means to be employed, the quality of the ground, the reasons for selecting the particular direction, and whatever other information may be useful.

2. He will take care that all the inhabitants enclose those parts of their estates which front the Public Road with lime trees, campeachy wood or other useful trees ; that these hedges be yearly trimmed and interspersed with orange or other fruit trees to delight the eye and protect the traveller from the heat of the sun ; as much as possible he will cause these things to be done in an uniform manner, and will induce the settlers to erect their houses as near as may be to the road.

* This requires some explanation. The Register was kept in such a way as to show not only the nation but the race to which each resident belonged : *e.g.*, a Frenchman would be entered as "Native of France"—White—Black—Coloured—Free—Slave.

The remaining regulations under this head related to the general improvement of the roads which were to be made suitable for wheeled traffic, and to be of an uniform breadth sufficient for both use and comfort. The settlers on the banks of rivers were bound to keep the same clear for purposes of navigation, to plant fruit trees along the banks and to keep the towing paths in good order. Those rivers which were not navigable, were to be kept clear and unobstructed, so as to prevent sudden inundations by preserving a free water-course.

The making of bridges across rivers and ravines was also provided for by these regulations as well as everything else which could facilitate and improve communication throughout the island.

POLICE.

The General Police of the Colony was entrusted to the Commissarys acting under the immediate orders of the Governor.

ANNUAL MEETINGS.

In the month of January of each year, a meeting was held of a Board composed of the three Commissarys of Population, the Commandants of Quarters, and some of the principal inhabitants of each Quarter. The Governor, or in his absence, his Assessor presided; in the event of neither being able to attend, the Chief Commissary took the chair. At each meeting the Chief Commissary presented a Report showing the general state of the Island with regard to Population, Agriculture, Means of internal Communication, General Police, &c., &c. Upon this Report being read, each member made such comments as his experience and knowledge suggested, and measures were adopted to carry out the necessary works in the succeeding year.

These Regulations clearly indicate what was the policy of the Spanish Government towards the colonists of Trinidad, and prove beyond all doubt, that whether it was exercised or not, the Crown reserved to itself a very considerable right of interference in the management of the lands granted to them, a right quite incompatible with the pretensions put forward by the Committee of Landholders. It is, however, but too manifest, that either from weakness

of disposition or a want of the means necessary for enforcing the Law, Chacon allowed matters to drift into the unsatisfactory condition in which they were found by Sir Ralph Abercromby in 1797.

As has been already shewn, many circumstances combined to prevent any remedy being applied to this state of things either by Picton or his immediate successors, and when, in 1815, Sir Ralph Woodford was at last instructed to enter fully into the question, it was no easy task that was imposed upon him. He did not, however, shrink from it: his first step was to endeavour to ascertain the nature of the various tenures by which the lands in occupation were then actually held, the question of the *legality* of those tenures being reserved for future consideration.

The result of his enquiries shewed that the actual holders of land might be placed in no less than five different categories:—

1. Those holding a complete and perfect Grant from the Spanish Crown.
2. Holders of an assignment from the Crown of Spain, having no formal title but having fulfilled all the formalities, except registration, for obtaining one.
3. Those who alleged a permission of occupancy from the Spanish Crown, but were unable to produce any record of the same.
4. Permissions of occupancy granted by British Governors since the capitulation.
5. Squatters who did not even pretend to hold any title whatever.

The titles to lands held under the first category were of course perfectly good, to the extent allowed by Spanish Law, but not, as pretended by the Committee, indefeasible in the sense known to the Law of England; but even with regard to these there were considerable difficulties. Many of the so-called titles under that category consisted of “mere scraps of paper tacked together, and consequently liable to be lost,” as reported in 1803, by Colonel Rutherford.* If these titles were, if not actually uncertain, at all events most imperfectly registered, it will be easily understood that the others, resting upon even a weaker foundation, were in a very precarious condition. This extraordinary confusion, for such it most certainly was,

* Vide Vol. 1, p. 199.

demanding rectification and settlement in every one's interest individually, and beyond all in the interest of the Colony at large. It could not be expected that capitalists in Europe or elsewhere would invest money in a Colony wherein the tenure of land was so uncertain, and true to his principle that the Colony was to be considered before individual colonists, Sir Ralph Woodford, on receipt of the necessary authority, at once took action.

Considering that it was the Spanish Law he had to enforce, it is not surprising that he followed the lines of the last Spanish Governor, and, having the power, determined to carry out the policy which Chacon, from want of that power, had allowed to lapse. That policy not only recommended itself from its inherent good points, but was strictly in accordance with the Spanish Law. If, as the Committee of Landholders seem to have expected, Sir Ralph had attempted to introduce the English Land Law, he would have greatly increased the difficulties surrounding a question already sufficiently embarrassing and which required on his part both firmness and tact. His sole chance of solving that question was to use with the greatest care the almost unlimited powers with which the (Spanish) Law invested him and which it is clear from the very terms of his Commission it was intended he should be at liberty to exercise to their fullest extent whenever, in his opinion, the occasion required him so to do.

That the matter was urgent he had fully convinced the Government at home. From a Return sent by him to Lord Bathurst in October, 1814, it appeared that tracts of land, amounting in all to 15,746 quarrées had been registered to that date since 1784. Before the commencement of the Libro Becerro, 3,929 quarrées had been granted, but the titles had never been registered by the grantees, and many of these latter could produce no evidence beyond common report that they had ever had any title at all. There were surveys in existence which shewed that 20,007 quarrées which were in the possession of 394 individuals had been petitioned for, but that no steps beyond the survey had in any of these cases been taken. 34,387 quarrées had been granted since the Capitulation on the express understanding that the grantees

would be subject to any conditions the Crown might subsequently impose. In some of these conditional Grants the planting of sugar cane was forbidden. Upon many of them large outlays had been incurred, whilst in other instances the land had not been cultivated at all, or the condition that sugar cane should not be planted had been broken. Both of these latter circumstances voided the Grant*.

It must not be supposed that when Sir Ralph Woodford first began to busy himself with this question his acts were everywhere viewed with the disfavour which Mr. Marryat and his friends declared to be so general. Those persons who, although not on the Registry, had kept their lands in cultivation, were anxious to secure a proper title, and others who from any cause had incurred the risk of forfeiture desired to be relieved from the state of uncertainty in which they found themselves. That very many of these did not join in the efforts made by the Committee of Landholders to frustrate the measures of Sir Ralph Woodford may be inferred from the fact that between December, 1815, and June, 1817, no less than 480 applications were made either for new Grants or for the confirmation of old ones, in accordance with the Proclamation of the former year.

The real cause of the strenuous opposition to the action of the Governor on the part of the Committee was their knowledge that the result of such an enquiry as he proposed would expose the fact that a very large proportion of the land-holders in Trinidad had no Titles to their lands at all, or that such as they could produce were defective in more ways than one, and the larger the property so held the greater naturally was the opposition.

It was with the express object of remedying a state of affairs so unsatisfactory that Sir Ralph Woodford proposed to permit all holders of land who, whether knowingly or through ignorance,

* The voiding of a Grant for non-cultivation may appear harsh, but there are many arguments to support such a policy. Non-cultivation of alienated land adds to the expense of maintaining the communication throughout the Colony and throws additional burthens upon the proprietors who do cultivate, and the very object of the Cedula of 1783 being the improvement and development of Trinidad, it was only natural that the Government should insist most rigorously that the lands granted to the new settlers should not be allowed to remain waste.

had infringed the law, to redeem their position and make themselves safe by payment of certain fines to the Crown within a fixed period.

This proposal the Committee of Land-holders protested against as a harsh and tyrannical measure, entirely without precedent and *contrary to the policy of the English law*. The Committee were assisted by able counsel and it is therefore all the more extraordinary that they should have made such a statement when at the very same time the English Government was carrying out a very similar policy in another Colony also captured from Spain.

For some years after its capture in 1744, Gibraltar had been governed under purely martial law. In 1749, the King of England appointed General Bland, Governor and Commander-in-Chief, with special powers to enquire into the Titles by which lands were held in Gibraltar, and to confirm the same by a grant from the Crown whenever fairly made out to be *bonâ fide* claims. Acting on these instructions, General Bland, in the name and on behalf of King George II. conferred lands and tenements within the limits of the town and garrison of Gibraltar to various persons, subject to payment of Quit Rent to His Majesty, His Heirs and Successors, and also on the following conditions:—

That on the death of a Grantee his land should not descend to or be enjoyed by anyone not being a natural born Protestant subject of His Majesty, except such children as should be natives or inhabitants of Gibraltar. That the Grantee or his heir should not alienate his land without the permission of the Governor. That when sold and when conveyed the land should not be sold or conveyed to anyone not a natural born Protestant subject of His Majesty. That every Deed of Sale should be confirmed by the Governor under his Hand and Seal, and that in case of any breach or non-performance of any of these conditions the lands should become absolutely forfeited to the Crown.

In course of time many forfeitures occurred and the lands so forfeited were taken possession of by persons holding or asserting themselves to hold duly executed Grants from the Crown, and eventually much uncertainty and confusion was created, “to the disquiet of the inhabitants and to the great loss of the Crown.”*

* *Vide* Report of the case of *Jephson vs. Riera*, Knapp's Privy Council Cases, Vol. 3, p. 130.

It is therefore evident that for many years a state of things had existed in Gibraltar, very similar to that with which Sir Ralph Woodford had to deal in Trinidad in 1815.

In the former Colony the question was decided in the following manner:—*

“ . . . H.R.H. the Prince Regent, by an Order in Council dated 13th August, 1817, authorized the Governor of Gibraltar to issue a Commission directed to five persons, for settling the Titles to lands in that possession.

“The Commissioners were to cause a survey to be made of all the lands, the property of, or held under the Crown, and to receive all claims for or respecting the same and to report upon such claims; and they were directed to allow such claims where the Titles were otherwise lawful, although there might have been a forfeiture under the Grants from the Crown, or by reason of the claimants or their predecessors not having been natural born Protestant subjects of His Majesty; but so always that no claimant should be admitted who was not a natural born subject or was not duly registered as an inhabitant.”

It is strange that under circumstances generally so similar the same mode of settling the Land Question should not have been adopted for both Colonies. It is true that in the case of Gibraltar there were strong political and military reasons for not offending the susceptibilities of the native born population. Trinidad was “an island of experiment” of no very great importance, and the Committee of Land-holders was composed of men of influence.

To return to the “Statement” of the Committee; they protested vehemently against the resumption of lands by the Crown for non-cultivation and the enforcement of Registration of Titles, although both of these things were required by the Spanish Law by which alone the legality of those Titles could be determined. They maintained it to be most unfair that persons who had advanced money upon lands, “under the advice of the Spanish Escribanos or trusting to the signature of a Spanish Governor as a proof of validity of Title, should, after years had elapsed, be forced to incur further expense in order to perfect Titles now for the first time impugned.”

* Knapp, *ut supra*.

To this part of their complaint Sir Ralph made a most conclusive answer :

"It is a new and not very solid argument," he wrote to Lord Bathurst (9th February, 1817), "that a compulsory order for the Registration of a Title and the compulsory performance of a duty long ago and repeatedly but vainly required, weakens the validity of that Title; it is equally absurd to contend that a Regulation which defines the boundaries of lands or leads to an authorized admeasurement of them with a neighbouring proprietor, foment or eternizes litigation or weakens the security of those who advance money upon them. Such Regulations may prevent a needy planter from making an extravagant display of his Colonial property to his commercial mortgagee in London and drawing him by a delusive picture of it into an imprudent advance, but a certified admeasurement from the Commissary of Population's Office of this Island with a certificate of the registry of the title to that land, will I am confident be considered as more satisfactory to an English mortgagee than the certificate of a Spanish Governor can be, or that of a Spanish Escribano.

If it has happened that after the conquest of the island advances in money were squandered by merchants at a distance upon lands held under defective titles and that these persons were satisfied with the Law opinions of men so notoriously corrupt and ignorant as were some of the Spanish Escribanos of that day, and if such advances are even now made with equal profusion and unadvisedness; if it shall also have happened that the means of cultivation of large tracts of mortgaged land and the securities along with them have been impaired in clearing them; if it has happened that these unfortunate advances have plunged the debtor into irretrievable ruin, while they have left his mortgagee in the unprofitable possession of a large tract of land which since the abolition of the slave trade he can never hope to cultivate himself; can it be said that the Government which detects, and provides a remedy for, the defects of such titles, whose object is to regulate the enregistration of them, to define the real boundaries of estates, to put upon record for the information of every lender of money upon them the title and means of the proprietor, and lastly who enforces against the holders of these uncultivated or impoverished estates, a condition which was always inherent in them; can such a Government be charged with being the cause of the loss sustained by parties when it is so plainly attributable to themselves or to those from whom they claim?"





CHAPTER VIII.

ON the 1st of May, 1818, the town of San Fernando was totally destroyed by a fire, the cause of which has never been clearly ascertained. From a Report of the Commandant of North Naparima (dated 17th September, 1818), and which was laid before the Council, it appears that after this fire great difficulties had arisen in defining the boundaries of the several lots, and that in more than one instance it was evident that lands belonging to the Crown had been encroached upon. The Report was accompanied by a list of the holders of land in San Fernando, specifying the tenure under which they claimed to hold such lands so far as the same could be ascertained. An original plan of the town was also attached. From the Records of the Court of Intendant, it appeared that in 1786 a Grant of land of a considerable extent had been made to one Isidore Vialva, upon which a space had been reserved for the purpose of building the town subsequently named San Fernando. This Grant was one of those which at the capture of the island remained unconfirmed. Some time previous to the capitulation, Vialva sold his Grant to Jean Baptiste Jaillet, who established thereon a small sugar estate called *Mon Chaigrin*. Jaillet, either from ignorance, or thinking he was safe from detection, sold out in small lots the whole of the land reserved for the town lots to different individuals and thus was formed the old town of San Fernando as it stood before the fire. These sales seem, however, to have been condoned by the Spanish Government and treated as occupancies, but any sale or transfer of them which had taken place since the British occupation were null and void, if effected without the knowledge and sanction of the Intendant. The actual holders, therefore, were without any titles, or at the best had only a doubtful title of occupancy. As, however, considerable sums of money had been paid

for these lots, it was suggested by the Council after the Report had been read, that the Crown might be satisfied to retain what were known as the "King's fifty paces," *i.e.*, the space extending that distance inland from high water mark—a suggestion which seems to have met with approval.

Not long after his arrival in the Colony, Sir Ralph Woodford submitted to the Home Government an elaborate and comprehensive scheme for its development and improvement to which there was but one objection; unfortunately, a most serious one. The necessary outlay to carry it into effect was far beyond the resources of the Colony. Of this the Governor was fully aware at the time he made his suggestions, but he believed that in a rising Colony it is true economy to spend money freely on permanent works of utility, even if in so doing a debt must be incurred. He succeeded in obtaining the sanction of the Home Government for a portion of his scheme. A coast road was to be constructed from Matura to Mayaro with Rest Houses at intervals for the accommodation of travellers; the Indian track between Arima and the l'Ebranche River was to be reopened, and a Custom House was to be established at Mayaro to encourage trade with Tobago; works which by the way have been carried out within the last few years, and the conception of which has been attributed to others.

The opening up of the Colony and the extension of its cultivation was one of Sir Ralph Woodford's most cherished schemes, and the following extract from the Minutes of Council of October 1st, 1818, furnishes a very good example of the mode in which he gave effect to his views—a mode which many of his successors in office might have followed with advantage:—

"A Report was read from Mr. Mitchell,* the Commandant of North Naparima, stating that a considerable tract of land of a superior quality for the growth of provisions or canes lay to the eastward of North Naparima, and that the only impediment to its being brought into cultivation was the want of a road. Mr. Mitchell, therefore, recommended that a sum not exceeding £72 should be expended in cutting and clearing a trace five

* Father of the late, and grandfather of the present Protector of Immigrants.

yards wide and five miles long, leading from Savanna Grande to the River Ortoire, and that the lands each side of this trace should be so laid out as to give to each a frontage on the road."

This suggestion met with the approval of the Council, and the system embodied in it was carried out during the remainder of Sir Ralph's administration. The Commandants of Quarters were required to furnish reports upon their Districts to the Court of Intendant, giving full details as to soil, water, timber, facilities for road-making, &c., &c. On these Reports, surveys were made, and if it appeared advisable to do so, public notice was given of the intention of the Government to grant lands in these quarters on the usual conditions.*

If Sir Ralph Woodford's successors had followed this policy, cultivation would, to the benefit of the whole community, have gradually extended from the centres already existing. His system was, however, abandoned by his successors, who began the ruinous policy of protecting one great industry and neglecting all others.

About this time (1818), probably with a view of disposing of some of the soldiers disbanded after Waterloo, an effort was made by the Home Government to induce white settlers of the working class to emigrate to Trinidad. The Governor was instructed to grant lands for the cultivation of cocoa, coffee, cotton and ground provisions, or for the purpose of forming stock farms, to any persons who would undertake to place upon the said lands a certain number of *white* labourers. The Grants were to be made in the proportion of one hundred acres to each white settler so located, and like all others might be resumed if they were not put in proper cultivation, or stocked with cattle within a fixed period of time. The scheme, however, proved abortive, European labourers not being willing to face what then and for many long years afterwards was believed to be the deadly climate of Trinidad.

* These notices contained the fullest particulars as to soil, water, &c. In fact, the Government took the initiative in enlarging the area of cultivation, and at the same time avoided creating isolated settlements.

In January, 1819, the death of Queen Charlotte, the Consort of George III., became known in the Colonies. The following notice, which appeared in the "Trinidad Courant" the day following the receipt of the news of the Queen's death is very curious, considering the uncompromising Protestantism of herself and of her worthy but narrow-minded husband :—

VICAR'S HOUSE,

20th January, 1819.

"The Curate and Vicar-General announces to the faithful inhabitants that Saturday the 30th instant, at ten o'clock in the morning is fixed for the performance of the funeral service in this Parish in honour of Her late Majesty, Charlotte, Queen of Great Britain, of blessed memory; and that the same obsequies will be also observed on the same day in the other Parishes in this island.

The Curate and Vicar-General begs those who will be pleased to attend at this august ceremony to appear at Church in deep mourning."

The explanation of this singular action of the Vicar-General is that the Colony was still governed under Spanish Law, and that therefore the same ceremonial was observed in connexion with the death of Queen Charlotte as would have been observed on the occasion of the death of a Queen of Spain.

That the Spanish Law in all Church matters was closely observed by Sir Ralph Woodford, is shown by the following letter, one amongst many dealing with similar questions :—

GOVERNMENT HOUSE,

6th February, 1819.

REV. SIR,

I have the honour to acknowledge the receipt of your letter enclosing a representation from the *Mayordomo de Fabrica* of St. Joseph's Church.

I could have wished that this Officer's Report had also included an official declaration of the state of the Church. I am aware that many necessary things are wanting, but until they have paid their debts I cannot authorize the Committee, or the Mayordomo who now acts in their stead to incur any new ones. I have, however, every proper disposition to support the claims of the Church, and if you will transmit to me a note, properly authenticated, of the debt claimed from Mr. Bradshaw's estate, I will take measures to ensure it to the Church. I have long since requested your Report of the Institutions* which are due to

* Evidently pious bequests and charges upon property.

the Church distinguishing those which are paid and those which are not.

You will be pleased to require the Mayordomo to state the nature of the obligations contracted by the persons who are to furnish the oil to be burned before the Holy Sacrament, that they may be called upon in a legal form to comply therewith, and as the Mayordomo states that there are funds for this service, although in disorder, I recommend your instituting a proper inquiry into the state of them that they may be brought into order.

I have, &c., &c.,

The Revd.

RALPH WOODFORD.

THE VICAR

From this and many other letters of a similar purport, it is quite clear that the Law of Trinidad did not prohibit the maintenance of what the Law of England then deemed and still deems to be superstitious uses. When in a future chapter the abolition of the Spanish Law in the Colony comes to be dealt with, the question will arise as to the extent to which the Law of England by which bequests for such purposes are rendered null was introduced into Trinidad.

In March, 1819, great alarm was caused by a rumour, which was almost immediately confirmed, that small-pox had made its appearance on the Spanish Main. The most active measures were at once taken, with the view of protecting the Colony from the ravages of this fearful disease. A Proclamation was issued detailing the great benefits resulting from vaccination, and, which was much more practical, all the inhabitants were called upon to have their families and slaves vaccinated under a penalty of £100 currency (£40 sterling) for neglect.*

The minute attention paid by Sir Ralph Woodford, to every detail of the Government Service, is well illustrated by the following extract from a letter, addressed by him early in 1819 to Captain Wright, the Corregidor of the Indian Mission of Arima :—

As the season advances I am desirous of commencing the road to the Cocal (Bande de l'Este) of which the one half from the seashore to the river

* Modern notions are opposed to such arbitrary proceedings, but considering the fearful danger of small-pox and similar diseases it is difficult, except theoretically, not to prefer the absolute decree of Sir Ralph to the tedious process of a summons for neglect, generally followed by one or more postponements, whilst the evil sought to be prevented is growing apace. The experiences of our District Medical Officers with regard to carrying out the provisions of the Vaccination Ordinance would form an instructing, if not a very interesting volume.

Guayco will be performed by the inhabitants of Mayaro, and the remainder, from Guayco to the river Valencia where it intersects the Matura Road, will be made by the Indians of Arima.

You will therefore report,—

1. The number that can be employed on this labour without injury to their *Conucos*.
2. The number of Chiefs, and women necessary to be allowed with them.
3. The number of tools that you require in addition to those remaining either with you or Mr. de Verteuil, stating what they are.
4. The lowest price at which plantains can be furnished per 100.

The allowances will be as follows :—

For each individual, 3 lbs. saltfish per week ; 6 large plantains per diem for 7 days, if they do not leave the work on Sundays ; a quarter of a pint of rum per diem and at the end of the week 2/- currency (10*d.*) for each day's work ; 3/- currency (15*d.*) for the Chiefs and 1/- currency (5*d.*) for the women.

A Superintendent will be attached at 15/- currency (6/3) per diem, and if you superintend the work yourself 20/- currency (8/-) will be allowed to you.

You will give a receipt for the tools and account for them when the labour is completed.

You will keep a nominal list of the Indians, checking their time daily and computing and certifying the same at the end of every week in presence of two of the Chiefs.

By this list, when sworn to before the Governor at the conclusion of the work, the men will be paid in the presence of the Parish Priest and Schoolmaster of the Mission, who will attest the payment to each individual as witnesses.

The persons that supply the provisions will obtain your receipt for the delivery of the weekly allowance which will be their voucher for demanding payment.

The Superintendent's salary must be supported by a declaration on oath that he attended the work for the number of days charged. The work must be done according to the surveys, of which a copy is furnished to you.

The trunks of trees and such roots as impede the passage are to be removed.

The road is to be made on high land or the sides of hills in preference to the flat lands where these are wet ; but where there is only wet land, deep trenches are to be made ; high trees are not to be cut down unless it is indispensably necessary.

At the passages of rivers the sides are not to be sloped, but the road is to be made in the contrary direction of the river on the sides of either bank, but where the beds are of mud and not of gravel and the banks are

narrow, a bridge of hardwood should be thrown over with cross pieces laid close together.

R. W.

The above extract shews that the Indians formed a body of free workmen whose services were at the disposal of the Executive, and it will be convenient to explain here the social and legal position occupied at the time they were issued by the descendants of the aboriginal owners of the Island.

The Spanish Law dealt with the Indians of the New World in a spirit of great tenderness and solicitude, but in the face of undoubted facts, it cannot be denied that these unfortunate people were but too frequently the victims of the most heartless cruelty. The Law was in fact utterly disregarded by those strong enough to defy it; it is nevertheless important to understand clearly the exact status assigned to the Indians by the Laws of the Indies.

Columbus, there can be no doubt, was influenced by the purest feelings towards the natives; but unfortunately very few others shared in his benevolent and Christian feelings. To Ferdinand of Castille religion was a mere cloak for schemes of ambition and wordly policy, and but for his saintly consort, Isabella the Catholic, the unfortunate Indians of America would have suffered even more than they did. All through her life she was their firm friend, and the following extract from her Will shews how great was her solicitude for them. After declaring that the Sovereignty of the New World had been conferred upon her husband and herself by the Pope, she thus proceeded :—

“I very affectionately supplicate My Lord the King and charge and command my daughter Juana that they act accordingly, and (*desire*) that this (*the conversion of the Indians*) should be their principal end, and that in it they should have much diligence, and that they should not consent or give occasion that the Indians who dwell in the Islands or on the Tierra Firma, gained or to be gained, should receive any injury in their persons or goods but should command that they be well and justly treated, and that if the Indians have received any injury they (*the King and his daughter*) should remedy it and look that they do not infringe in any respect that which is enjoined and commanded in the said concession” (*of the Pope*).

The good Queen died on the 26th of November, 1504, and in less than two years (on the 20th May, 1506), Columbus followed her to the grave. Some twenty-two years later—in 1528—Charles V. decreed that all Indians who had not submitted to the Spanish rule should, if captured, be treated as slaves, and this at once created a kidnapping trade which was carried on by Spanish vessels throughout the Islands of the Caribbean Sea.

In 1541, however, the “Laws of the Indies” were decreed and published by the same monarch Charles V. in which special provision was made for the protection of the Indians of the New World. This was caused by the representations made to him by the Dominican Missionaries, Fathers Juan de Torres, Martin de Paz, Pedro de Angulo, and BARTOLEMEO DE LAS CASAS, the future Bishop of Chiapa, and “Apostle of the Indians,”—and be it added—the originator of African slavery in the West Indies! It must, however, be stated in fairness to one whose life was one of continual self-sacrifice and devotion to the natives of the New World, that he honestly believed the powerful, robust African would be infinitely more fitted to cope with the work of cultivating the lands and carrying on mining operations than the Indians, who, previous to the discovery of their country, had never known what it was to work.

The efforts of Las Casas and those who worked with him were not unsuccessful, for it appears by the “Politica Indiana” of Solozano published in 1620 (*lib. 2, cap. 28*), that the civil rights of the Indians of South America were specially and peculiarly provided for. He writes :

“The Indians also enjoy another privilege which cannot be allowed to pass without notice, and of which they take advantage in all matters of importance and benefit to themselves. They can claim the nullification of any contract or deeds to which they are parties (even if signed by them after having attained the age of majority), unless the same have been formally made with the express consent and through the medium of their official protector, or of some person formally appointed to act as such.”

Such being generally the legal status of the Indians in Spanish America, it now becomes necessary to show what was their position

in Trinidad after the conquest and so long as Spanish Law remained in force.

On assuming the Government in 1813, Sir Ralph Woodford found that there were Indian Missions existing in Cumana (Toco), Siparia, Savana Grande and Arima. This latter was of comparatively recent establishment. Previous to 1783, the fertile lands of the Arouca district were held by the Indians as a "Mission," but when in that year the Cedula of Population was introduced into the Colony, Chacon considered that those lands would better suit the new colonists, and removed the Indians to Arima. In all these Missions the same domestic economy existed. Each had a Cabildo, presided by a Corregidor named by the Governor. Their lands were worked for the common good, no Indian being by law permitted to own any property. The Parish Priest was charged with the instruction of the Indians in their religious duties, and was entitled to their services for the purpose of cleaning and keeping in repair the Church and the Presbytery, but he had no power to inflict upon them any punishments.

These "Missions" must not be confounded with the establishments of the same name which existed in Paraguay and other parts of South America. These were vast tracts of land granted by the Crown of Spain to the Jesuits and other religious bodies, and on which the Indians were located as serfs, whereas the Missions of Trinidad were never in any sense Church property.*

* So much has been, still is, and probably always will be written against the Order of Jesus, that it is excusable to insert here an extract from the works of an author who has written at great length upon a subject with which both in South America and elsewhere the Jesuits have had much to do:—

"The Jesuits never appear to have turned the labour of their numerous flocks to the production of wealth for themselves, and no trace whatever has been discovered of the treasures which they are supposed to have amassed. And as such wealth must have been raised in exportable articles, and all the traffic of the Reducciones (Missions) with other parts was carried on with strict regulations by the Jesuits themselves, any such accumulation could not have been made without attracting notice. The ecclesiastics of the Reducciones had salaries from the Spanish Treasury; the Indians paid to the Crown a small tribute which it was said nearly balanced the expenses which the Missions occasioned it and no more. Of avarice they stand fully absolved; and in the absence of all substantial objects of ambition to what does the charge of ambition reduce itself? The Society was proud no doubt of its own wonderful Republics in which 50 of its members governed in peace and affluence 200,000 reclaimed savages; and the individuals employed on that most heavy and responsible

The following letters will help to explain the position of the Indians during Sir Ralph Woodford's Government :—

GOVERNMENT HOUSE,
18th January, 1819.

REVD. SIR,

In reply to your letter of the 8th inst., I have only to say that the Laws of the Indies which require that the Indians should be educated equally forbid the application by the Fathers of the Missions of severe punishment. With the approval of the Magistrate corporal punishment may be inflicted upon those who deserve it. There appears to have been some misunderstanding with regard to that which was inflicted by the Chief of Police, and I have decided that the Cacique (*head man*) should be removed and another named in his place. It appears to me that although it is a troublesome business to manage the Indians, their natural indolence and their submissive nature requires that the rule should be severe in appearance but mild in reality. I hope that they are now employed under your direction in repairing the Church before the rains will prevent them.

I have, &c., &c.,

The Revd.

RALPH WOODFORD.

PADRE CARILLO—Savana Grande.

GOVERNMENT HOUSE,
13th July, 1819.

REVD. FATHER,

I have the honour to acknowledge the receipt of your letter reporting the want of discipline in the Mission of Cumana, and particularly the insubordination of some Indians belonging to it, viz. : Captain Champan,

service must often have felt their hearts uplifted at the thought of the great interests committed to their charge, of the important office which they were called to fulfil on earth ; and such an admixture of human nature as this can scarcely be said to dishonour the purest zeal. But the Society derived no temporal power or wealth from the expenditure of its best and noblest spirits in the obscure pursuits of the American Mission.”—(*Merivale : Colonization and the Colonies. Lecture X., p. 284.*)

If this be deemed the evidence of too partial a witness, let the following quotation from one who certainly was not prejudiced in favour of the sons of St. Ignatius take its place :—

“ The Jesuits invaded all the countries which the great maritime discoveries of the preceding age had laid open to European enterprise. In the depths of the Peruvian mines, at the marts of the African slave-caravans, on the shores of the Spice Islands, in the Observatories of China, they were to be found. They made converts in regions which neither avarice nor curiosity had tempted any of their countrymen to enter ; and preached and disputed in tongues of which no other native of the West understood a word.”—(*Macaulay : Essay on Ranke's History of the Popes.*)

and his brothers Christoval and Estevan. I have in consequence written to-day to the Commandant instructing him to make them work for the Church and to punish them if they have been disobedient. They are to be further obliged to have their children brought up as Christians and to bury their dead in the Public Cemetery and not in the hills, and to perform all the other public work required of them.

I have, &c., &c.,

The Revd.

RALPH WOODFORD.

PADRE B. O'BAN—TOCO.

The next deals with a matter of importance not only to the Indians but to others. It is addressed to "The Marquis del Toro, Don Francisco Toro, and St. Hilaire Bégorrat, Esq. :—

GOVERNMENT HOUSE,

26th October, 1819.

GENTLEMEN,

I have received and considered your representation of the 12th ult., and in reply have to observe that the ground rent which the Indian Cabildo of the Mission of Arima have imposed on the lots occupied in the village by others than Indians received my consent and approbation.

As regards the right of the Indians to impose this charge, the existing documents prove that the land of Arima was given to them (*the Indians*) as their property in community, with an exclusive and untransferable right to the employment thereof to the best advantage for their general benefit, and as I am not aware of their having by any act forfeited their right to claim rent for any land belonging to them in common, I am advised that it was competent to them to impose a ground rent on lots belonging to them in Arima, and the amount bears the same proportion to the annual rent as those from which the Cabildo receives a ground rent in this town. As regards the transfer of lots, it is within my knowledge that Don Manuel Sorzano who established the Mission, never permitted any transfer but of the houses, and not of the lots themselves, and Mr. Goin and Mr. Francisco Febles have declared the same; they could not indeed legally authorize the transfer of any portion of the Mission lands or of the property of that establishment. As to the occupation of these lots since 1783, and the invitations given by the Spanish Government to strangers to resort to Arima, I have to observe that in 1797 only two white persons and nine coloured men (married to Indian women) were then living in the village, and notwithstanding every search I remain quite ignorant of any regulation of Governor Chacon or of His Catholic Majesty that might have altered the Law regarding the settlement of strangers in an Indian Mission."

I have, &c., &c.,

RALPH WOODFORD.

It is probable that during the early years of the British occupation the interests of the Indians of the Mission of Arima had been somewhat neglected as may be inferred from the following Government Notice :—

TRINIDAD.

GOVERNMENT HOUSE,

27th June, 1818.

The Governor and Captain General being desirous of *re-establishing* the Mission of Arima in the rights and privileges which the Laws accord to the Indians, and of contributing by all the means in his power to its improvement and prosperity, has decided to name as its Corregidor an Officer of His Majesty's Forces who possesses all the qualities needed for such an important post.

In Don William Wright the Indians will find all aid and protection, their persons and property will be under his immediate care; he will encourage their industries and render their trades profitable to themselves, so that their children following the example of their activity, may be useful and virtuous, and the lands which the Law allows them may be constantly kept in cultivation by the able-bodied amongst them.

The Governor hopes that the Indians on their part will co-operate in his good intentions on their behalf by obeying all that the Laws enjoin upon them, by being sober and industrious, and carrying out their respective duties as submissive fathers, wives and children, and especially by seeing that the latter attend regularly to hear and to learn the Christian Doctrine so strictly enjoined by the Law, on the days and hours fixed by their venerable Parish Priest.

The above notice is to be communicated to them and put up on the Casa Real of Arima.

RALPH WOODFORD.

The instructions issued to Captain Wright on his appointment also indicate very clearly the position held by the Indians. They were as follows :—

No. 1. You will take charge of the Village of Arima and the portion of country comprized within the district appertaining to the Mission, of which you have been furnished with the plan from the Commissary of Population's Office, and the same will be under your jurisdiction exclusively.

2. You will require from your predecessor a general return of the Indians and you will verify the Indians and their families thereby, signing a duplicate of the same which you will forward to me.

3. You will then proceed to make a return of them by families, shewing their lineage or descent as well as their trades, and if intermixed with other than Indian blood, and you will, as soon as it shall have

been approved by me, enter the same in a book to be henceforward kept by you, entitled "The Register of the Mission of Arima;" in this Book you will note the deaths and the causes thereof, the Births and Marriages, and you will on the 31st December in each year transmit to the Governor an abstract of the annual variations as well as of the general state of the Mission.

4. You will next proceed to examine the state of the houses of the Indians, noting the state of each and adopting the means proper to each case, for the construction of houses that need them.

Thus, those of the aged and infirm who have no children to help them, or of the widows with orphan children, will demand a general contribution of labour. Those that from idleness only, have failed to ensure to themselves this primary object of society will be compelled to provide the same within such a period as you may fix.

5. In examining and making yourself acquainted with the state of the town, of which no documents exist in the public archives, you will be led to inquire into the tenures of the houses built by others than Indians of which many have been introduced into the Mission without my knowledge or concurrence. You will therefore fix an early day for all persons to deposit with you their Titles to the lots and houses built thereon. You will enquire if the same were purchased from Indians, and in such case you will take the declarations of the parties of the circumstances, the laws expressly forbidding and annulling any such sales.

6. You will ascertain and report the general rate of rent of houses in Arima and the value of lots.

7. You will call upon all persons not being Indians, residing in Arima, to show my permission for the same, and in default of their possessing it you are at liberty, if you judge it necessary or desirable for the good of the Mission, (*they*) being idlers and vagabonds or of an immoral habit of life, to order them to quit the Mission within a reasonable time to be fixed according to the nature of their establishment; for those having none a very short notice will suffice.

8. You will cause all strangers to be apprehended that enter the village not being furnished with my permission to reside in this Island, nor will you allow any person henceforward to reside in Arima that has not my express authority for that purpose. It is, however, desirable to attract respectable inhabitants and useful artizans; the former may be encouraged and the latter permitted to exercise their trades upon condition of teaching the same to one or more young Indians under the usual stipulations of apprenticeship.

9. You will after this, define and set limits to the village; and the labour of planting a lime fence to serve as the boundary thereof will be among the earliest public duties to be required of the Indians.

10. The village itself and its inhabitants being thus brought into proper order, you will next proceed to inspect with the greatest attention and care the Conucos or provision grounds of the Indians situated within the limits of the Mission, taking a note of the extent and condition of

each, the nature and degree of the cultivation, notifying all persons encroaching therein to justify themselves before you in the first instance, and if aggrieved by your sentence, to appeal within five days to my Tribunal of Intendant, as Judge of Crown lands.

11. You will state if any and what portion of the land assigned to the Indians is uncultivated, and the cause thereof, and you will attest the truth or otherwise thereof by a personal view.

12. You will then report if other and what land is required for them, and you will proceed to point out such as you may consider best adapted for the same.

13. You will make an annual return to the Governor of the state of their cultivation, shewing the increase or decrease thereof.

14. You will not allow any of the Indians to work abroad until you shall receive further orders for your guidance, and you will order back to the Mission those who now may be employed abroad.

15. You will see that they keep the Mission clean and in good order, not permitting any accumulations or heaps of filth, or dead vegetable matter, within the precincts, at any period of the year, and you will require such reasonable labour from them as the state of their grounds will permit, as may be necessary for the repairs of the Church, Vicarage, or Presbytery, Burying Ground, School and King's House; for the construction of a Gaol, and for the clearing of the ground to windward.

16. You will enforce the orders of the Curate for the presence of the Indians at Mass on Sundays and the great holidays, and take due care of the punctuality of the children's attendance at the instruction that will be given them by the Curate as well as at the schools which have been established.

17. You will take care that the Indians keep in perfect order the portion of road assigned to them, and that all persons, whether free or residing in the village, assist at the repairs by their slaves, or if they have none, by a personal attendance of three days for each individual.

By His Excellency's Command.

P. GELLINEAU,
Assistant Secretary.

At a later period, as will in due course be seen, the Missions of the Indians and the peculiar system under which they were ruled were swept away, and now little more than a few names and half-forgotten traditions mark their former sites.

It must not be supposed that the whole of Sir Ralph Woodford's time was taken up with the serious questions of titles to land, extension of cultivation, road-making, etc., etc. He was fully alive

to the necessity of maintaining the society of the Island on a proper footing, and set the example himself of a splendid hospitality, the traditions of which are not yet extinct.

He was a great patron of the drama which in his days was well represented in Trinidad. On the 25th of November, 1819, he wrote the following letter to Mr. Borde, a French gentleman recently settled in the Island, for whom he seems to have always entertained a great regard :—

MONSIEUR,

Connaissant l'interêt que vous prenez au succès d'un théâtre, et reconnaissant comme je suis, et dois être, pour la peine que vous avez si souvent prise de contribuer à mon amusement comme à celui du public, je désire vous prévenir que le Cabildo a déterminé de construire une salle et qu'il voudrait en confier le soin et la charge à un habitant respectable avec un salaire raisonnable auquel il pourrait augmenter en jouant quelques fois et en participant au profit que pouvaient lui attirer ses talents.

Je ne crois pas qu'ils puissent avec prudence entrer en direction (comme cela s'entend en fait de théâtre) sans préalablement avoir vu le résultat de l'établissement d'une salle. En attendant, ils désireraient avoir un Surintendant ou Régisseur pour conduire la scène et qui servirait de Directeur de la Société qu'a établie M. Arnaud.

Les acteurs quoiqu'en société lui seraient responsables et reconnaîtraient en lui leur chef soit pour tout objet de scène comme pour de théâtre. Il serait l'interprète de leurs engagements et il y aurait un appel de sa décision à un tribunal de première instance nommé à cet effet.

Il n'y a personne ici qui puisse remplir ce rôle aussi bien que vous-même ; je viens d'en parler à M. Arnaud qui en est fort content et s'y est prêté d'une manière extrêmement aimable et gracieuse, et il m'a temoigné le désir que vous voudriez vous en charger tout de suite.

Je vous prie donc d'y réfléchir et d'être disposé à me faire savoir que vous voudriez vous prêter à l'objet de cette lettre.*

Je suis, &c.,

RALPH WOODFORD.

* I have not been able to ascertain if any practical result came of this correspondence, but it is worth recording as showing that seventy years ago the same want of a theatre was experienced which is now felt and was taken up in a more practical way than by canvassing the question in vague newspaper articles.—L. M. F.

At this time there was an excellent French Company performing in Port-of-Spain, and as in a community made up of so many different nationalities, representing each of them various phases of political opinion, it was most essential that the theatre should not be allowed to serve the purposes of any party, and with this view the following instructions were issued to the Chief of Police :—

“ As the Governor has not time to peruse the numerous pieces that the French comedians perform weekly, he authorizes the Chief of Police to peruse and examine them, giving his license to all plays, dramas and operas, except the plot be of an immoral tendency or the language offensive, by want of decency in expression or of action, towards the inhabitants or their respective religions, or otherwise politically objectionable; and to prevent mistakes he will affix his initials to the piece.”

Trifling as the above matter may seem now it was not so in those days, and the very wording of the orders proves the onerous and multifarious duties of the Governor.

Several instances have already been given of the interest taken by Sir Ralph Woodford in all matters affecting the Catholic Church. These instances, however, had reference more to the strictness with which he caused the Laws affecting Her discipline and revenues to be enforced. A much more important question was now to be brought forward.

On his arrival, he had found that although Trinidad had definitely become a British Colony, and that all civil, political, and even, (within certain limits) ecclesiastical jurisdiction belonged to the Representative of the British Crown, it still formed part of the Spanish Diocese of Guayana. Evidently this was for many reasons most undesirable, and whilst entering into a lengthy correspondence with the Home Government upon the subject, he sent the Vicar-General, Padre Aristimuño, to confer with the authorities in Rome. The question was rendered urgent on account of the disturbed state of South America, and the signs which were daily becoming more evident that Spain was on the eve of losing her Transatlantic Colonies. The question was fully discussed between the Colonial Office and the Right Rev. Dr. Poynter, then Vicar-Apostolic of the Western District of England, and it was eventually decided by the Court of Rome that Trinidad should be separated

from the Diocese of Guayana and placed with other Islands of the Caribbean group under a Vicar Apostolic.*

The first Prelate on whom this dignity was conferred was the Right Reverend James Buckley, Bishop of Gerren *in partibus infidelium*.

On receiving the news of his nomination, Sir Ralph Woodford addressed to Dr. Buckley the following letter:—

GOVERNMENT HOUSE, TRINIDAD,
20th March, 1820.

RIGHT REVEREND SIR,

Lord Bathurst having notified to me your appointment, with powers to act as Bishop of the Roman Catholic Church in the West Indies and your intention of coming to this island, and his Lordship having at the same time signified to me the pleasure of His Royal Highness the Prince Regent that I should bring under the consideration of the Council the necessity of providing for the support of your office, I have the honour to acquaint you that having carried His Royal Highness's wishes into effect, I have this day transmitted to his Lordship the result of the deliberation of the Council which I make no doubt his Lordship will communicate to you, and which I trust will be agreeable to your views and wishes. I beg leave to assure you that your presence here will be extremely welcome, and that it has been anxiously looked for by the Reverend Vicar of your Church and by the Catholic community, and that it will be particularly desirable and advantageous if three or four English priests *conversant with the French language*† can be persuaded to accompany you. An assistant Curate is required in Port of-Spain.

There are two or three agreeable situations vacant in the country, and I have equally recommended to Lord Bathurst the assignment of a salary to such persons as you might bring with you.

I shall be happy to hear from you, as well as of your departure, and if I can be of any service to you, I beg you will command me.

I have, &c., &c.,

RALPH WOODFORD.

From the latter portion of this most genial epistle it is clear that the Governor believed it would reach Dr. Buckley before the departure of that Prelate for the scene of his future labours. Sir Ralph must, therefore, have been agreeably surprised at the arrival of

* This was settled by the Bull of _____ dated _____
The Catholic Church is universal and recognizes but one Head, the Pope of Rome
who may be of any nationality, but it is manifestly most unadvisable that the
Parochial Clergy of any country or colony should be under the immediate orders of
a foreign superior.

† Sir Ralph desired to have priests English in allegiance, but acquainted with the prevailing language.

the Bishop a very few days after he had despatched his letter of congratulation.

The welcome news was officially announced in the following letter, addressed by the Governor to the Vicar-General, under date of the 27th March, 1820 :—

REVEREND SIR,

I have the honour to inform you that the Right Reverend James Buckley has arrived from London and has presented to me his credentials from the Holy See as Bishop of Gerren in the Patriarchate of Alexandria and Vicar Apostolic of the British, Dutch and Danish West Indies, and also that His Majesty has deigned to consent and give his approbation to this nomination. In pursuance of the arrangement which has been made for his taking the Oaths of Allegiance and his reception to-morrow the 28th inst., His Lordship, accompanied by the Illustrious Board of Cabildo, will proceed to the Parish Church between 12 and 1 o'clock, where I trust you will receive him with the Clergy and with the ceremonial befitting his exalted rank.

I have, &c., &c., &c.,

RALPH WOODFORD.

On the following morning the new Bishop was taken in the Governor's carriage to the Council Room, where, after being formally introduced to the Council which had been specially convoked for the occasion, he took the Oath of Allegiance.

Immediately after this he was presented with the following address from the Illustrious Board of Cabildo :—

To the Most Illustrious and Most Reverend Dr. James Buckley, Bishop of Gerren and Vicar Apostolic of the British, Dutch and Danish Islands in the West Indies.

We, His Majesty's most dutiful and loyal subjects, the Alcaldes in Ordinary, the Regidores and Syndic Procurador General of the Town of Port-of-Spain, in Cabildo assembled, most respectfully meet your Lordship's person with feelings of the utmost reverence.

Upon the first occasion of the arrival of a Prelate in His Majesty's Transatlantic Dominions in these seas, a desire to evince to so distinguished a character every mark of respect becomes our outward duty, as it is, we beg your Lordship to believe, our individual inclination ; and as the legitimate organ of the inhabitants of the seat of Government at which your Lordship has vouchsafed to enter upon your new Diocese we are anxious to be allowed publicly to express the great satisfaction with which we learned your Lordship's nomination to this Prelacy and in which we are well assured that all the inhabitants cordially join, receiving it as we ought as a new pledge of our Sovereign's provident care of these his

remote but faithful subjects and as a source of infinite advantage to the welfare of those who will enjoy the benefit and comfort of your Lordship's spiritual authority and control.

That your Lordship may long enjoy the most heartfelt satisfaction from the results which cannot but attend your pious labours is the sincere and ardent wish of those who you have now permitted to address you.

To this address Dr. Buckley made the following reply :—

GENTLEMEN OF THE ILLUSTRIOUS CABILDO,

I am deeply penetrated with a due sense of gratitude for the very flattering and cheering expressions of kindness you have been pleased to address to me, and it shall always be my study to testify the high value I set upon your approbation.

Gentlemen, the spectacle you this day exhibit has seldom blessed the eyes of mankind or adorned the page of history. We everywhere find it recorded that religious differences have engendered religious animosities and even persecutions, wholly repugnant to the mild and temperate spirit which Christianity breathes. I thank God, gentlemen, we can congratulate ourselves that our country, the first in every virtue that exalts the character of a nation, affords on the present occasion an example of generous toleration worthy of the gratitude and imitation of mankind. The solemn installation of a Roman Catholic Bishop witnessed by the inhabitants of this happy island will be received by them and the rest of His Majesty's Roman Catholic subjects as a new proof of the paternal disposition of the Government under which we live. It will endear our country still more to us and add gratitude and affection to the veneration which we owe to those who govern us.

Gentlemen, your time is precious and I will not abuse it. Permit me only to express my high sense of the honour you have conferred upon me this day and to assure you that I shall always endeavour to merit your approbation in the due discharge of the important duties of my station.

The Minutes of the Cabildo record that after replying to the address :

“ The Bishop accompanied by His Excellency the Governor, the Illustrious Cabildo and the Council, proceeded to the Catholic Church where his Excellency presented the Right Reverend Prelate to the Vicar and Clergy of the Diocese, as the Vicar Apostolic who had produced to His Excellency the Commission of His Holiness the Pope investing him with the exercise of Episcopal authority over the Church of Rome in the British West Indies and Colonies with the consent and approbation of His Majesty. Then His Lordship put on his mitre and was conducted to his Throne. The *Te Deum* was then sung, and the ceremony being concluded, His Lordship accompanied by the procession, returned, giving his blessing to the crowd by whom the greatest respect was shewn.”

A full account of the ceremony was published in the *Trinidad Courant* with the following editorial remarks :

“ We congratulate the Colony and more particularly that great majority of it that belongs to the Church of Rome, on being withdrawn from a foreign jurisdiction, and in having the advantage of an authority that is known to themselves and that has received the high sanction of our Sovereign. We understand that Dr. Buckley was not named Bishop of the West Indies out of motives of delicacy on the part of the Pontiff, but it has been determined he should receive the same style and compliment that is paid in England to his rank.”

To Catholics of the present day much of the address of the Cabildo, and the reply of Dr. Buckley, will appear strange and inconsistent with what are their recognized principles, whether laymen or ecclesiastics. It must, however, be borne in mind that Catholic Emancipation, although no longer looked upon as unattainable, had not become in 1820 an accomplished fact. When in 1813, Grattan's Bill to enable Catholics to sit in Parliament and hold office was defeated, the Government felt that it would not be possible to resist much longer the pressure which the Catholics and their supporters were bringing to bear upon the public mind. They succeeded for a time in retarding Catholic Emancipation, by insisting before consenting to any demand that a power of veto should be accorded to the Sovereign, upon the appointment of Catholic Bishops in Ireland. There is good reason for believing that the Court of Rome, anxious to re-establish friendly relations with England, was not unwilling to accede to this under certain conditions, but the Irish Episcopate faithful to the cause of Ireland as a nation, would not consent, and issued a manifesto in which the following remarkable passage occurred :—

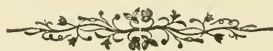
“ It is with the utmost distress of mind that we are compelled by a sense of duty, to dissent, in some points connected with our emancipation, from the opinion of those virtuous and enlightened statesmen, (*Canning and those who acted with him*) who have so long and so ably advocated the cause of Catholic freedom. Probably from a want of sufficient information, but unquestionably from the most upright motives, they have proposed to the legislature the adoption of certain arrangements respecting our ecclesiastical discipline, and particularly respecting the exercise of episcopal functions, to which it would be impossible for us to assent.”

When it was found that the Irish Bishops, the Irish Clergy and the Irish people were all opposed to accept any English interference with their beloved Church, the Supreme Pontiff ceased to advocate a measure so distasteful. The case was different as regarded Trinidad. That Colony had been conquered from Spain, and amongst the rights of the Spanish Monarch to which the King of Great Britain succeeded, was that of the veto as to the nomination upon all ecclesiastical appointments in the Island. It was not, therefore, as King of England, but as the successor of the King of Spain, that the approbation of George III. was accorded to the nomination of Dr. Buckley.

From the moment he landed the newly appointed Bishop created a most favourable impression upon all classes of the community. From their very first interview the Governor was attracted by his cordial, gentle and at the same time dignified demeanour, and this first impression speedily ripened into a warm friendship on both sides, which was only dissolved by death. Dr. Buckley had not been long in the Island before he proved himself thoroughly competent to perform the duties of his office. A wise and firm administrator, he was also an experienced guide and pastor, an elegant scholar and a refined man of the world. He saw at once the peculiar position occupied by the Catholic Church in Trinidad. He found Her the only one recognized by the then existing law, the one to which the great bulk of the population belonged, Her rights and privileges jealously maintained by a friendly (although Protestant) Governor, yet at the same time menaced by watchful opponents daily increasing in number and influence and watching closely for a favourable opportunity to attack Her. From an honest conviction of the thorough sincerity of the Governor's motives, Dr. Buckley co-operated heartily with the former in all his plans for the advancement and improvement of the Colony, and if sometimes he may have yielded more easily to civil interference in ecclesiastical matters than was strictly consistent with his duty, this was owing to a conciliatory spirit combined with a rectitude of intention which should exonerate him even in the eyes of the most rigid censor.

When first informed that the newly appointed Bishop had determined to reside in Trinidad, the Governor had taken steps to ensure for him a fitting residence at the public expense, and with this view the Board of Cabildo rented for him a large house (still in existence), standing in its own grounds in Cambridge Street,* and voted the sum of \$3,000 to be expended in providing him with plate, table and bed linen and household furniture. It was decided by the Imperial Government that the Bishop should receive £1,000 yearly from Trinidad, it being also intended that a similar amount should be contributed by the other Islands of his Diocese, but the latter arrangement was never carried into effect; and although Grenada, Tobago, St. Vincent and St. Lucia are all included in the present Archdiocese of Port-of-Spain, it is Trinidad alone that provides the salary of the Archbishop.

* These premises were subsequently used as the Colonial Hospital and afterwards as the Boys' Model School.





CHAPTER IX.

SHORTLY after the arrival and installation of Dr. Buckley Sir Ralph Woodford obtained leave of absence and paid a visit to the different islands of the Caribbean Archipelago. On his return in June, 1820, an address was presented to him the signatures to which, sufficiently indicated that men of every class and nationality in the community joined in welcoming the Governor on his return; and, although addresses, especially in small Colonies, ought not to be considered infallible tests of popularity, still one so largely and respectably signed may be taken as strong evidence of the estimation in which was held the person to whom it was presented. It is worthy of note that in it great stress was laid upon the confidence felt that under the Government of Sir Ralph Woodford the progress of the Colony was assured, for when it is remembered that at the very same time the most strenuous efforts were being made by Mr. Marryat and his "Committee of Landholders" to discredit every action of the Governor of Trinidad and to persuade the King's Ministers that under his rule the Colony was on the high road to ruin, the importance of an address headed by the Catholic Bishop and the Chief Justice is considerably enhanced.

About a month later another address was presented to the Governor, the wording of which shows that under the guise of a compliment to the Representative of the Sovereign it was intended to serve a political purpose:—

" To His Excellency Sir Ralph James Woodford, Bart.,
Governor, &c., &c., &c.

" We, the undersigned inhabitants of this Island beg leave, on Your Excellency's return to this Government, to offer to Your Excellency our sincere congratulations on the re-establishment of your health, and at the

same time, as dutiful and loyal British subjects to entreat Your Excellency earnestly to recommend to His Majesty's Ministers to advise His Most Gracious Majesty to extend to this important Colony, as a boon on his accession to the throne of the British Empire, the inestimable and long-desired benefits of a British Constitution and Trial by Jury without national or religious distinction."

To this address, which was signed by the principal members of the "British Party," the Governor replied in the following terms :—

GENTLEMEN,

I request you to accept and to convey to those inhabitants whom you represent my acknowledgments for the congratulations expressed in their address.

I shall always feel great pleasure in supporting any wish conveyed to me where the attainment of the object required may appear beneficial to the real interests of the inhabitants; but in replying to the principal objects of this communication, I cannot do better than refer you to the view entertained by His Majesty's Government on that subject, as expressed in the year 1810 by His Majesty's Secretary of State, to my predecessor in this Government, and which afterwards received the sanction of Parliament.*

I shall, however, during my administration here, continue to avail myself of the opportunity sanctioned in the Earl of Liverpool's despatch by suggesting to the gracious consideration of His Majesty such alterations in the system as may appear to me to be advantageous to the Colony; and you may rest assured that in so doing the administration of justice will always receive that consideration which the importance of it commands."

The principal aim of the promoters of this address was to obtain a change of laws, an object for which the "British Party" had striven ever since 1806, but many of the names attached to it show that the demand for English Laws was not made by the English settlers alone.

The Governor's reply, though clearly intended as a rebuff, did not dishearten the advocates for a change. The following Notice shortly afterwards appeared in the *Trinidad Courant* :

"We are authorized to state that a Petition setting forth such facts as the whole Colony can attest, will be very soon handed to the community for signature, praying for the speedy introduction of a British Constitution with British Laws and Trial by Jury, as Trial by Jury without such

* Lord Liverpool to General Hislop, 27th Nov., 1810—Vide Vol. 1, p. 334.

Laws would be a mere mockery, and as it were, legalize a despotic system."

Such were the expressed opinions of the "British Party," a party which in all Colonies that have been won to England by the sword has pretended to be the enemy of despotic rule in order to become dominant and despotic in its turn. There was, however, a great deal to be said in favour of the system of government, "despotic" as it might be, which they sought to upset, and men of experience in the Colony, not wedded to English notions nor blinded by English prejudices, foresaw that the proposed changes were by no means so entirely beneficial as their advocates pretended. They felt this more particularly with regard to the introduction of Trial by Jury, fearing that in a small community where every one was known, and personal and pecuniary interests were often found to outweigh all other considerations, there would be considerable risk that the verdict of a jury would not be free from bias, and this was still more likely to be the case in a Colony where diversities of religion and of race must not only create party feelings but intensify them.

In the autumn of 1820, an event occurred which it may safely be asserted would not have been so fairly and justly dealt with under the jury system, as it was by the "despotic" Court of Royal Audience.

The Adjoint Commandant of North Naparima (Mr. James Lamont), considering himself insulted by the Officers of the Militia of that District, sent a challenge to one of them (Mr. Charles Ross), whom he looked upon as the instigator of the offensive treatment of which he complained. The matter came to the Governor's knowledge and was fully investigated in the Court of Royal Audience, the result being a decree of which the following is the principal part:—

Regarding this case, it is necessary to observe that the provocation came from one, who from his public situation must have been informed of the impropriety of the same; and there is too much evidence to warrant the imputation of animosity on the part of Mr. Lamont against more than the one he challenged of the Militia Officers who, by shewing a proper sense of what was due to themselves and their brother Officer, subscribed the letter which is alleged to have been in Mr. Lamont's estimation the warrant for these proceedings which were the more unjustifiable since they are the more calculated to disturb the peace

of quarters settled by persons to whom the white inhabitants ought on their own account, as well as from a due regard for the public interest, to shew a good example.

The following penalties are therefore assigned to the offenders involved in these proceedings :—*

James Lamont	...	...	\$ 500 00
Charles Ross	...	...	200 00
John Stewart	...	...	300 00
Humphrey Colquhoun	...	...	400 00
Thomas Brown	...	...	300 00

RALPH WOODFORD.

ANTONIO GOMEZ—Assessor.

From the above extract it will be seen that Sir Ralph Woodford exercised his “despotic” power in this instance in the very mildest manner consistent with justice.

In the “Address to Lord Bathurst, by a Free Mulatto,”† great stress was laid upon the different manner in which two young men of colour, Messrs. M’Millan and Rosemond, were treated for a similar offence against the law with regard to duels, and who were imprisoned in the Gaol for eight or nine months and mulcted in the costs of their prosecution. Undoubtedly, the contrast is obvious, but the then existing state of society must be remembered, and it is neither just nor logical to blame Sir Ralph Woodford for not combining in his own person the qualities then required in the Governor of a West Indian Colony, with the advanced ideas of a Clarkson or a Wilberforce.

It was not only in cases such as that of Mr. Lamont, that it was necessary for the Governor to intervene with the strong firm hand of a ruler, who at the same time desired to be as a father to those

* The Spanish Law as to duelling, on which this decision was based, was clear and precise :—

“Those who accept challenges, propose, or send them, or being seconds, or carriers of challenges or papers, with a knowledge of their contents, or who carry verbal challenges, and a duel takes place, although no wound ensues, or death happens, incur the punishment of the gallows; which crime, proved by a single witness, also occasions loss of goods and chattels and the appropriation of the third part to the hospital of the place in which the criminal resides.”—Laws of Castille, Lib. 8, Tit. 8, of the 27th January, 1716, Pragmatic Royal Law 10, Tit. 8, Lib. 8.

† Vide Vol. 1, p. 313-4.

entrusted to him. The Colony was yet in its infancy, and the Governor had to guard against any attempt to introduce into it, institutions which in the Mother Country had been the gradual and matured growth of centuries.

When studying the history of the West Indies, it should always be remembered that their colonization from the first had been a very different process from that by which the forests and prairies of North America or the vast Countries of the Southern Hemisphere were reclaimed and cultivated.

“The Colonies of North America were originally planted by men who had quitted their native country, either from a love of civil and religious liberty, or from a desire to better their fortunes by laying out a small capital in the improvement of land; or from the necessity of finding employment in a country where labour bore a high price. Anxious only to live in peace and freedom with a competency for themselves and their families, these men centred all their views in the spot to which they removed their fortunes and persons; they gave up forever the thoughts of returning to the countries which they left behind them, and transferred to their new homes all those ties which had formerly bound them to Europe. . . .

“The woods of the Northern Continent were cleared by men of small capital content with a living profit, attached to the soil, and entertaining no ideas of moving from it.

The smallness of their property excited their whole industry, and the part of their profits which arose from their labour bore a great proportion to that part which came from their stock. They never thought of accumulating unless to extend their improvements; nor of separating themselves from that immovable subject in which their wealth was vested.

Men soon acquire a strong interest in the soil which owes its cultivation to their labours and repays their care by its fertility. The scene of their property naturally has charms for them; the influences of local attachment bind them to a spot which necessity has made them choose.

In this manner a nation was soon formed of material transported from the Old World but belonging to the new—of European extraction but of American growth—confined in its views and desires to the country of its residence and connected with the Parent State only by political and commercial relations, or by the ties of sentiment founded on a traditional recollection of its origin.

The cultivation of the West Indian Islands has been carried on by the employment of large capitals, with some risk, considerable hardship and danger from the climate, and the chance of enormous profits.

Such are the sacrifices which the business of a sugar or coffee planter requires and such the temptations it hold out. It is a business suited to a mercantile schemer and appeals much more to the commercial than the

agricultural spirit, and forms habits rather of the former than of the latter kind. . . .

The planter of North America cultivates the ground, partly by his own toil, partly by the help of his family, partly with the labour of his fellow citizens, whose voluntary exertions he in person directs, watches and repays. The West Indian planter raises his crops by slaves of a different country and race, whose toil he extorts by the lash and whose exertions are superintended by a deputy.

* * * * *

Instead of choosing the islands then as a second home, the adventurers in West Indian property have only submitted to a residence there as the means of augmenting their capital, or of acquiring a fortune which they might spend in the most elegant luxuries of Europe. A great proportion of those whose capital has planted the West Indies have in fact continued in their native country. Such of them as adventured their money in loans to the planters on the security of their lands, buildings and slaves, were engaged in other business and had no connexion with the property, except that of receiving their interest, or selling the produce on commission. Such of them as vested their money in the plantation business upon their own bottom often preferred a smaller income enjoyed in ease at home to a large one for which they must forsake their own country and expose themselves to the dangers of the climate and the voyage. They accordingly employed overseers on their West Indian Estates and resided in Europe. Thus while the capital employed in trade bears a very small proportion to that employed in planting, the great strength of every country, the landed interest, is almost wholly wanting in the West Indies.

Its place is supplied partly by proprietors loaded with debt, who are little more than commissioners for the European creditors, partly by factors, properly so-called, acting for the non-resident proprietor.*

These words were written in 1803. Can it be contended, that if true then, *mutatis mutandis*, they are not true now? Slavery has disappeared, but in Trinidad and other Colonies indentured labour from the East has taken its place, and in those Colonies the West Indian planter still “raises his crops by *labourers* of a different country and race. . . . whose exertions are superintended by a deputy.” It is as true now as it was in 1803, that in every Colony the place of the landed interest is “supplied partly by proprietors (?)

* Brougham : Colonial Policy of the European Powers, vol. I., Book I., pp. 42 *e infra*.

loaded with debt and partly by factors acting for the non-resident proprietors."

Trinidad alone, thanks mainly to the policy of the enlightened statesman, who, unfortunately for too brief a period, was Governor of the Colony some twenty years back (from 1866 to 1870) can boast of a large and steadily increasing number of small proprietors, and to this fact, and to her advantageous geographical position, it is due that she has hitherto weathered the storms which elsewhere have proved so disastrous.*

To return to the Trinidad of 1820. If it be borne in mind that there were in the Colony two broadly divided bodies, the free men and the slaves, with a large intermediate class belonging in theory, and to a certain extent, in practice, to the former class, but in many ways treated as if they belonged to the latter; if it be remembered also that the memories of St. Domingo were still fresh in men's minds, it cannot be wondered at by any reasonable man that the Government of the day believed that by absolute power alone could order and security for life and property be maintained.

It was, indeed, only by entrusting the Governor with absolute authority that the tendency to oppression on the one side, and to revolt on the other, could possibly be kept in check; and it was a suicidal policy on the part of the "British Party" to desire to get into their hands a power, the exercise of which in other Colonies had brought massacre and ruin upon the dominant class.

Sir Ralph Woodford fully appreciated the real value of the movement, and preferred devoting all his energies and exerting all the powers with which he was invested, to advance the prosperity of the Colony, rather than by even an apparent acquiescence in their views to second the efforts of a faction in whose honesty of purpose he had no belief.

*The decided policy of Sir Arthur Gordon with regard to the vexed, and until his advent, apparently insolvable question of squatting, will of course be dealt with when the proper time arrives. It must not, however, be supposed that the above paragraph of the text is intended to convey that since his departure that policy has been abandoned. The opposition to it certainly recommenced as soon as he had left the island, but the impulse given by him to the formation of small properties has never died out, and of late has gathered new strength.

A glance at his multifarious correspondence will shew how earnestly he applied himself to his difficult task, an instance of which, amongst many, is furnished by the following letter :—

Sir Ralph Woodford to the Right Reverend Dr. Buckley.

GOVERNMENT HOUSE,
22nd July, 1820.

MY DEAR LORD BISHOP,

I am happy in any opportunity of communicating with your Lordship, particularly on the duties which connect us.

Nothing can be more desirable than to ensure a more perfect attention to the objects of the enclosed Pastoral Charge which you have done me the honour to send for my perusal; and as regards this Island your Lordship may perhaps be disposed to call the attention of the Clergy to the propriety of more frequently preaching from the pulpit, and that of the disciples of the Church to a more regular recurrence to the Annual Communion which is, I fear, much neglected.

RALPH WOODFORD.

This letter is extremely interesting. It shows that Sir Ralph Woodford not only understood and exercised his prerogative as Royal Vice-Patron of the Church, but that he did so in a spirit worthy of the most Catholic of his predecessors. It affords also convincing proof that the Head of the Catholic Church in Trinidad was so thoroughly satisfied of the sincerity and good will of the Governor, that although the latter was a Protestant, he did not hesitate to submit to him the first Pastoral Letter he had addressed to his flock since taking possession of his Apostolic Vicariate.

Subsequent experience proved the soundness of his views, for Bishop Buckley had frequently good cause to congratulate himself upon the friendship entertained for him by Sir Ralph Woodford, and upon the cordial support accorded to him by the latter in maintaining his authority over his clergy. It was but natural that the arrival of an Englishman to be their Bishop should not be regarded with entire satisfaction by the Spanish Clergy of the island, and to judge from the following letter, Padre Miguel Salcedillo, one of the most

excellent and worthy of their number, was not at that time as submissive to the newly appointed Bishop as he should have been :—

Sir Ralph Woodford to the Right Reverend Dr. Buckley.

GOVERNMENT HOUSE,
5th February, 1821.

MY DEAR LORD BISHOP,

There can be no doubt but that Padre Miguel is bound to furnish your Lordship with an account of the Padre Ricla's succession, and I should think it would be proper for your Lordship to consult some Spanish lawyer as to what he ought to furnish on such an occasion. This trouble your Lordship must place to account of "Church privileges."

It seems to me very doubtful that Padre Miguel had any right to take upon himself to distribute the assets as he thought fit, since when they are not enough they should go *pro rata*.

The letter is to interpose his claim as of the Capuchin Aragonese Missions in case of any one of his fraternity dying here with plenty of money, but it is not written in the style which common civility has now rendered imperative, much less with that respect due from such a person to his Bishop. If I did not suppose that your Lordship would prefer expressing your disapprobation of such extreme neglect of common manners and civility, I should readily have availed myself of the opportunity of thundering an anathema against him which would have been worthy of the subject, as far as I could have expressed it.

I am,

My dear Lord, &c., &c.,

RALPH WOODFORD.

At this date the new Protestant Church in Brunswick Square was nearly completed, and Sir Ralph was much occupied in arranging the ceremonial with which it was to be opened for Divine Service. Some difficulties were caused by the Rev. J. H. Clapham the Rector, as he was by courtesy designated, who objected to the scheme of Church Government which was proposed.

The following letter throws considerable light upon the subject, and shews clearly the exact position which the Government recognized to be that of the Anglican Church in Trinidad at that time :—

Sir Ralph Woodford to the Rev. J. H. Clapham.

GOVERNMENT HOUSE,
8th March, 1821.

SIR,

At the moment I was about to issue the order which with the advice of H. M. Council I had prepared for providing such arrangements as are

necessary on the opening of the new Church until His Majesty's pleasure should be signified thereon, I have received your further representation of the 2nd instant.

When your letter of the 13th November reached me, the subject had already occupied my attention, and it was in my contemplation to have consulted with you thereupon previous to any final determination being had, if you had not anticipated the intention by representing at that time your views on the subject. As you had touched on many matters that had occurred to me and intimated an expectation that the Church should be governed and appointed in a manner differing from the consideration I had given to it, and had also expressed a wish wherewith I most fully concur that the arrangements once made should be fixed and clear so as not to leave any room for future doubt and question, I thought it the most prudent as well as the most proper plan to refer your letter to the Attorney-General desiring his opinion on the legal points that it involved. In so doing it was my view not only to act according to established practice, but the more effectually to ensure the object of the arrangement being fixed on principles that were understood and admitted, and therefore the more permanent, and not in any way to raise a question between the Government and the Rector as you have stated.

The Attorney-General's report was submitted to H. M. Council, whose resolutions of the 6th November were conveyed to you by the Clerk, although of the very express declarations contained in those resolutions you have entirely omitted the acknowledgment or even the mention.

I afterwards lost no time in transmitting both your letter and the Attorney-General's Report for the consideration of H. M. Secretary of State, and I at the same time stated the plan that occurred to me as the most expedient to be adopted until H. M. Government should decide on the several questions that you had brought forward and I consider myself very fortunate in having pursued this course since in your letter at this distant date you deny all Ecclesiastical Jurisdiction to the Governor even if he has a Commission of Ordinary, although in your former letter you consider the Governor here to possess ample power to settle all the points which you then submitted; and I am therefore happy in having been advised to consider my civil authority as sufficient for all the purposes which it is at present necessary to determine on.

As, however, you have now repeated that the whole affair is to be referred for the opinion of Sir William Scott, though I must consider the Order of the King in Council to be the fittest authority to be applied for, I shall beg to mention such objections as seem to me on the perusal of your letter to exist to those requisites which you now bring forward as indispensable, as they may perhaps induce you to withdraw your application for such reference.

I may, however, first observe that in your admission that consecration can only be performed by a Bishop you confirm the Attorney-General's opinion which differed from your own. This point must therefore be left to the wisdom of H. M. advisers, and I consider it a point settled that it

will not prevent prayers being said, and therefore, that it is only the administration and government of the Church and its funds which it is necessary should now be discussed.

The title of Ordinary may strictly apply only to Priests, but that there were Ordinaries of two kinds may be inferred from the qualification of "Ecclesiastical" being sometimes used before it, and at other times where the "Ordinary" is quoted as a person having authority over the Parochial Clergy.

This appears confirmed by the title being borne by so many of the Governors of the King's foreign dominions, and it is not a part of the Commission but a delegation by the King's instructions. If it was left out in those of the Governor of Trinidad, it probably was because the Catholic religion was the established one, and that other instructions are substituted, but that the authority has always been exercised is evident, as well from your own instructions and collation as from the granting of Marriage Licenses and of Probate to Wills by my predecessors as well as myself, the appointment of a Clerk to the Ordinary, &c., &c.

That the Ecclesiastical Law is subject to alteration is shewn by the acts which from time to time have passed for building new Churches in England, and by these it will appear that the support of the Ministers of such Churches has been regulated and graduated by the wisdom and authority of Parliament.

In the Attorney-General's having adverted to this point, I do not see anything misplaced, and so long as the objects referred to him of providing additional fees and patronage to the Rector had reference to an Officer receiving a known salary from the ordinary Revenue, the consideration of the grounds upon which such salary was first granted and is still to be continued, appears no improper point to be considered in his Report.

It appears by the 58th of George III., Cap. 45, that the Ministers of new Churches are to be paid out of the letting of the pews such a stipend as the King's Commissioners may with the consent of the Bishop assign, regard being had to the extent and population of the District and the sum necessary to enable the clergyman to procure a residence in it; that they are not to be furnished with a house or glebe and only in the Church with a pew to hold six persons and four servants' seats.

It is therefore ordered that the pews be for the benefit of the Church and no portion to be granted to the Minister as an additional support. That the stipend will be extremely moderate may be inferred from the limitation given for a third service and sermon which will be £80.

Thus therefore I think with the Council who have confirmed the Report of the Attorney-General that the Rector of Port-of-Spain is properly provided for by a salary of £800 sterling, and particularly for such part as has passed when his clerical duties have been limited. As to the same I do not suppose that H. M. Government will object to the building of a Parsonage House for the Rector when prior demands upon the Colony shall have been provided for.

In the Returns made to Parliament I do not see any instance of a clergyman in the West Indies acknowledging to receive more than £1,200 (Barbados currency) per annum. With this information, and observing the late sentiments of Parliament for the new Churches, I do not feel myself justified in holding out any expectations of an increased emolument on your being called upon to fulfil the duties of your Ministry, and in preference to such augmentation to the Rector's appointment I should prefer assigning a support to an Assistant or Curate who would keep a school which would equally add to the respectability of the principal Minister.

As to the amount which you have received being less than £800 sterling, I am at a loss to infer if your observations allude to the words "as Rector," or to the payment of salaries at the exchange of 200 per cent. when the par was above that value. If to the former I should reply that your appointment as Rector was I presume to supersede that of Chaplain to the Colony. And as regards exchange I would observe that during the war it was frequently much lower than the rate at which salaries were paid.

The next point regards the force of the Canon Law here and the consequent necessity of Church Wardens being elected.

Without entering upon all the questions you have adduced regarding the effects of the Laws in force in this matter, it appears sufficient to remark as has been stated on former occasions that the King's authority in this Colony must be admitted free and unimpaired, that His Majesty has been pleased to continue in force the Laws of the Sovereign from whom by the force of his arms he captured the island making such alterations and innovations therein as from time to time he shall think fit; and, therefore, that they are to all intents and purposes His Majesty's Laws, and are therefore as such susceptible of any additions, qualifications or repeals as the Government in Church or State may in the view of His Majesty in His Privy Council appear to require.

That the ordering and administering of the funds of new Churches is controllable generally by Parliament I have already stated, and as regards the office of Church Warden, and their "pre-election as a matter of course." I have to observe that in the Acts for the fifty new Churches in Queen Anne's reign the Commissioners appointed by the Crown under the Act of Parliament were authorized to elect the Church Wardens for the first year and to appoint the Vestrymen, who were afterwards to elect them for their lives, all avoidances being filled by election amongst themselves.

In the last Act the mode in which the Church Wardens shall be appointed is equally a matter of provision by the Parliament and directions are enacted touching their duties.

Although for the government of any Protestant Church recourse would it may be presumed be had by a British Governor to the rules of his National Church, yet it is very evident on a perusal of them that many of the Canons are obsolete and that others are never attended to;

and therefore, if any can be dispensed with they may all be laid aside, and what is really more convenient or expedient substituted in their room ; and therefore that their observance is not a matter of course.

Church Wardens are appointed according to custom which where it has existed governs their election. Where none has obtained it belongs to the Supreme Authority as I have shewn to regulate their appointment.

The precedent of the Warden of the former Church does not seem to apply here since in that case the funds were raised by voluntary subscriptions and failed from irregularity in the payment thereof.

This was not remedied by assessments or rates either to make up in 1805, the arrears of the salary which the parishioners had agreed to give you in 1801, or to replace the Church when it was burnt in 1808, although there was a Vestry chosen by the Protestant inhabitants with the sanction of the Government, and it may I think be fairly presumed that they doubted their own authority to make such levies ; the former authority was therefore questionable and the custom is incomplete.

* * * * *

I have the honour, &c., &c.,

RALPH WOODFORD.*

From this letter one thing is very clear. The Government of that day fully recognized the fact that the Roman Catholic Church was the established Church of the Colony, and that although it was intended to introduce and legalize the existence of the Anglican form of worship, it was by no means proposed to give to it the same position and authority in Trinidad as was enjoyed by the Established Church in England. It was not until more than twenty years later, that in defiance of the terms of the Capitulation, and without a shadow of legality an Ordinance was introduced which divided Trinidad into Protestant parishes, and declared the Church of England to be the Established Church of the Island.

The narrative of how that measure was introduced, how it was worked, and how it was at length swept away will not be found one of the least instructive portions of the History of Trinidad.

* I have been unable to find Mr. Clapham's letters to Sir Ralph Woodford referred to by the latter which is to be regretted, but from the Governor's reply it would appear that the Rector claimed a position which the former was not disposed to accord.—*Author's Note.*



CHAPTER X.

A RESIDENCE of more than eight years in a tropical climate, and the unremitting attention he had paid to the duties of his office ever since his arrival, had sensibly affected Sir Ralph Woodford's health, and in April, 1821, having obtained leave of absence, he handed over the Government of the Colony to Lieut.-Colonel Young, the Senior Military Officer on the Station, and embarked for England.

Colonel Young was a man of ability and tact, and thoroughly understood the position in which he was placed. He looked upon himself as the *locum tenens* of the Governor, and bound to carry on the policy of the latter during his absence. He did not conceive that because he chanced to be administering the Government he was at liberty to strike out a new policy for himself so soon as the Governor had left the island, but looked upon it as his duty to carry out the views and ideas of the latter, even though he might not always endorse them. That this view of the duty of a temporary Administrator was the correct one there can be no doubt. The West Indian Colonies already suffer much from the frequent changes of Governors, and it necessarily often happens, that even during the term of service of each Governor, the charge of the Government devolves upon an Administrator. In Colonies possessing Representative Institutions, comparatively little harm can result from this; but in Crown Colonies like Trinidad, the Government during the absence of the Governor should as a matter of course, devolve upon the Colonial Secretary.* From the

* Before the withdrawal of the Imperial Troops, the Senior Military Officer always assumed the Government, and the management by which in the event of the absence, death, or incapacity of the Governor, his office devolved upon the Colonial Secretary, only came into existence when the Garrison of Trinidad had dwindled down to one Company.

nature of his functions that Officer is the person most fitted for the post, and would be amenable to censure from the Governor, if on the return of the latter he should find that his policy had been reversed or in any way interfered with, which may easily occur if an outsider is appointed, who not unnaturally looks upon his temporary tenure of office as an opportunity for bringing himself into notice.*

Colonel Young was guided by very different principles, and it was fortunate for Trinidad that such was the case, for had it been otherwise the steady onward progress of the Colony might have been seriously checked.

Sir Ralph, even whilst on leave, was not allowed to throw off all the cares of his Government. On arriving in England, he found that the Land-holder's Committee had not been idle, and that they had been in no wise disconcerted by the support afforded to the Governor by Lord Bathurst. In September, 1819, Mr. Marryat had addressed a letter to Mr. Goulburn, in which he endeavoured to prove that under no circumstances had the Crown the right (in Trinidad) to resume lands once granted, and had made special reference to the lands of Don Gaspar de Perçin on the island of Gaspar Grande "which were granted by Governor Salavarría, and when subsequently wanted by Governor Chacon for the purpose of building a battery, were surveyed, appraised and paid for by his orders, although the Grant of them had never been recorded in the *Libro Becerro*."

This letter was referred to Sir Ralph, who replied that Perçin's case had been utterly and entirely mis-stated by Mr. Marryat. Quoting the text of the proceedings in the Court of Intendant, he showed that "it was only the plantation of cotton and manioc, to the extent of three-and-a-half quarrées that were paid for, with some buildings and an oven, the whole estimated at \$1,112." The

* The merits or demerits of Crown Colony Government are not discussed in this work, although it is the hope of its author that its perusal will aid in removing some of the misconceptions entertained with regard to both the one and the other. What it is desired to convey in the passage to which this is a note, is, that so long as Crown Colony Government *does* exist it should be maintained *pur et simple*; it must be carried on by the Governor or his Lieutenant (immediately subordinate to him) otherwise such a Government is a mere mockery and throws into bold relief all that is bad in the system and paralyses all that is good.

Governor also quoted the Law in accordance with which the resumption had been made.

This reply was communicated to the Committee whilst Sir Ralph was in England. Mr. Marryat then shifted his ground and wrote another complaint to the Colonial Office with regard to a decree made by Sir Ralph "respecting forty-four runaway negroes, the law proceedings against whom cost their owners no less a sum than £3,279 currency, or something over £1,300 sterling."

"The Governor, probably," wrote Mr. Marryat, "who in this case was also the Judge, and his Assessor who is also a lawyer, *both of whom profit by these proceedings*, will think them very reasonable and proper; but those who have to pay the expenses of them are of a very different opinion."*

This complaint was also sent to Sir Ralph, who thus replied:—

BLAIR, N.B.,

16th August, 1821.

SIR,

I have the honour to return the accompanying papers from Mr. Marryat, and to submit the following Report for the consideration of Earl Bathurst.

In 1818, the desertions of the negroes were so frequent in the Quarter of Pointe-à-Pierre as to excite my attention; and by the activity of Mr. Mitchell, the Commandant of the adjoining Quarter of North Naparima, it was ascertained that they had resorted to an establishment of runaways in the interior. Some time after, one deserted the camp, when it was found to be so considerable as to require a Military force.

In the proper season, a detachment of Militia of those Quarters was sent into the woods, conducted by the deserter; a few of the men and women and all the children were taken. On examining these it was found that the greater number had escaped. A second detachment was sent, who found a new establishment already formed; it was destroyed and nearly all the people were brought in; they were all committed to prison that they might be identified and claimed. Many had been in the woods for 20 years, and it was necessary to ascertain if they had ever been registered as absentees; it was important to learn how the camp had been formed, and the relative and proportionate guilt of each; and above all it was essential to discover whether the treatment by the owners of the slaves who had deserted had given any colourable pretence to the negroes for absenting themselves from

* Parliamentary Papers, Trinidad—p. 248.

the estates. These examinations occupied a considerable time, and the result was such as to attach great blame to some proprietors, while it was desirable to make an example of the Chiefs of the camp who for many years had been in the habit of lurking in the vicinity of estates and carrying off women to the camp. But it was found that the law expressly declares that the cognizance of these offences shall belong to the Ordinary Jurisdiction, so that it could not be brought before the Governor and his Assessor; and as it was to affect the lives of the negroes, it was not considered right to make a summary process of it, as Mr. Bégorrat insists should have been done, since it would have deprived them of the benefit of an advocate and a defence, even if the law had not expressly declared that such matters should be tried by the Court of First Instance, the apportionment of the reimbursement of the expense incurred being left to the Audience.

I recommended despatch in the suit, and the selection of the worst offenders as the objects of the law. It was, however, found that they were so intimately blended with each other that this could not be done, and the magistrates were of opinion that it was not desirable the negroes should be so soon returned to the estates. Several planters had the prudence to abandon their slaves lest they should contaminate others, and my own opinion would have prevented the return of any of them while it provided for a reasonable value being paid for each by the Government, which could best have controlled and watched over their conduct. It was, however, not left to me to decide, but became the duty of the Chief Judge, who in his sentence directed the slaves to be punished with a fixed number of stripes and to be restored to their owners on payment of the expenses awarded in such manner as the Royal Audience should direct, and these directions are contained in the document sent to you by Mr. Marryat; but it is not the sentence on the slaves, nor were the Governor and his Assessor their Judges, nor did they profit by the proceedings, as in that suit no costs were taxed to them, and the Assessor never receives any fees whatsoever; those of the Governor are, as you know, regulated and sworn to quarterly in Council.

On perusing these directions of the Audience you will find that the expenses altogether amounted to £4,975 currency (£1,990 sterling) of which £1,695 currency (£678 sterling) was the charge for the Militia parties. Of this the law charges of the Crown was one-fifth (which Mr. Bégorrat in his mutilated copy of the decree leaves out); a portion was paid from the funds of those quarters in the vicinity of the camp, and the remainder was supplied by fines imposed on those proprietors who had been found to give cause of complaint to the negroes; among these appears Mme. D'Ey, the widow whose distress is quoted by Mr. Bégorrat, though it may be more justly attributed to her own mismanagement in so treating her slaves as to induce ten to desert for many months, than to the payment of the expense of recovering them.

Of the £3,279 currency, stated to be the costs of the legal proceedings, you will, on reading the decree, observe that £2,460 was expended in feeding, clothing, superintending and supplying with medicines and medical attendance these people for many months; and that the taxed costs only amounted to one-fourth of the sum stated: viz., £818, and this includes the expense of the public punishments of these offenders, all the charges of the various advocates chosen by the several prisoners to defend them, and those of the Attorney-General for the prosecution; so that with all the formalities of criminal proceedings as the practice now is, and the consequent expense, it is not surprising that the charge for identifying, valuing, prosecuting, defending, and punishing a runaway slave should amount to £10 sterling when the expenses of the country are considered.

If this explanation should not be satisfactory to Lord Bathurst, I have to beg that you would direct Lieut.-Colonel Young to send home the original proceedings by which his Lordship will see the trouble occasioned by this business and with what justice Mr. Marryat continues to occupy his Lordship's attention with complaints of my administration of the Government of Trinidad.

I ought to add that the freedom of the slave who conducted the detachment to the camp was provided for and included in the expense; he was, however, left under the care of the Government Overseer, being unable to take care of and provide for himself at present.

I have the honour to be, &c., &c.,

HENRY GOULBURN, Esq.,
&c., &c., &c.

RALPH WOODFORD.

The "observations" of Mr. Bégorrat alluded to by Sir Ralph Woodford, in the foregoing letter, were quoted from a letter addressed by that gentleman to the Revd. Edward Picton whose Attorney he was and who was one of the proprietors who had been fined. The following is the list of the fines so imposed:—

	CURRENCY.			
The free coloured woman Revillac	£ 100
Madame D'Ey	300
Mr. Barth	200
"Union" Estate, Pointe-à-Pierre	150

These amounts were paid as the contributions of the estates owned by the above. In addition to that the following penalties were

inflicted on the individuals whose slaves appeared from the evidence to have been ill-treated :—

CURRENCY.					
Mme. D'Ey, ten slaves	...	...	...	...	£ 820
Free coloured woman Revillac, for one slave, "La Foi"					90
Mr. Barth, for eight slaves	...	...	...	...	656
Mr. Claxton, for two slaves	...	...	...	...	170
Picton and Mme. Donald, for two slaves	...	...	...	...	164
"Union" Estate, for five slaves	...	...	...	...	410 [*]
Massey and Dessources, for two slaves	...	...	...	...	157
Achié Lewa, one slave and four children	...	...	...	...	282
Navet, for "Mary"	...	...	...	...	90
Melzet, for "J. Bliste"	...	...	...	...	90

These reiterated attacks, although they must have caused no small amount of annoyance to Sir Ralph did not deter him, even whilst enjoying his well-earned rest in Europe, from busying himself with matters affecting Trinidad.

On the 21st December, 1821, he wrote the following letter to Colonel Young :—

SIR,

Having submitted to the consideration of Earl Bathurst how very desirable it would be for the health and comfort of the inhabitants of Port-of-Spain that a regular supply of water should be procured for that Town, and that it had been proposed by me to the Cabildo to undertake the same upon being duly authorized to pledge their revenues for the repayment of the principal and interest, I herewith annex a copy of his Lordship's reply, and I am procuring a more perfect estimate than that which was obtained in 1819, from Messrs. Robert Eccles & Co.

I deem it, however, highly desirable that the calculations upon which that estimate is founded should be again examined and that correct calculations with a plan of the whole line, and one of the Town with the several fountains, should be forwarded to this country, not only as regards the questions adverted to in Messrs. Eccles' communication, but as to the labour to be performed in the Colony both in the river from whence the supply is to be drawn, and in laying down the pipes and erecting the works necessary to secure the buildings, &c., and I have therefore to request that you will give the necessary directions for the same.

I have, &c., &c.,

RALPH WOODFORD.

*The *Union* estate which in all paid £560 currency was the property of Mr. Marryat.

[*Enclosure in the above.*]

DOWNING STREET,

28th November, 1821.

SIR,

Having laid before Lord Bathurst your letter dated the 20th instant, regarding the necessity of a supply of water for the Town of Port-of-Spain and the expense attending it, I am directed to acquaint you that in a climate such as Trinidad his Lordship cannot but consider an adequate supply of water necessary to the health and comfort of the inhabitants of that Town, and is therefore desirous of receiving an estimate of the expense likely to be incurred in carrying the object of the Cabildo into effect, upon the receipt and approbation of which the necessary instructions for authorizing the Cabildo to raise the money will be forwarded to Colonel Young.

I have the honour to be, &c., &c.,

HENRY GOULBURN.

The Committee of Landholders, determined to follow out their plan of making all interests subservient to those of the sugar planters, now commenced a new line of attack. There can be no doubt that their animosity to Sir Ralph Woodford was caused by the thorough certainty they felt that they could neither lead nor drive him to adopt any views or tolerate any policy which did not recommend itself to him as really likely to benefit the Colony generally. The character of Sir Ralph has been variously represented and perhaps never altogether understood. His contemporaries were at a loss to comprehend one who lived before his time, and in the present day few can appreciate the position of a Governor all but absolute and yet hampered by traditions of the old Colonial system, and conscious that at every step he wounded some susceptibility or imperilled some vested interest too often based upon fraud and illegality. Of one trait in his character there can be no doubt; whilst showing all due deference to the Minister under whose immediate control he acted, he always asserted and maintained his own freedom of action. Named by his Sovereign Governor of the Colony, whilst never refusing to listen to the views of others, he always finally acted for himself, and accepted the whole responsibility of the result. He looked upon the Minister, not as his Departmental Superior, but as

the channel of communication for the instructions of the Sovereign whom he represented and to whom alone he was responsible. With this high view of his functions (the only logical one for the Governor of a Crown Colony), it will be easily understood that Sir Ralph Woodford was not likely to be intimidated by a body of West India merchants, no matter how influential they might be.

Once named Governor of Trinidad, he was determined to be so not only in name but in fact, until the powers and privileges of the office were withdrawn from him by the same hand by which they had been conferred. No wonder, therefore, that the oligarchy which desired to make Trinidad a farm to be worked for their interests alone, were bent upon removing so formidable an obstacle from their path. Finding it impossible to shake the confidence entertained by the Government in the integrity of Sir Ralph Woodford, the Committee decided to bring pressure of another kind to bear upon him. On the 25th July, 1822, a motion was made in the House of Commons that a Royal Commission should be named to "inquire into the state of the Settlements of the Cape of Good Hope, the Mauritius and Ceylon, and also into the administration of criminal justice in the Leeward Islands." The motion was seconded by Lord Nugent, who in the course of his speech made some observations which are worth recording, being as applicable to-day as they were when uttered more than sixty years ago. After alluding to the difficulty of dealing with all West Indian questions so long as the "Colonial System" existed, the Noble Lord continued :—

"Where men live together in very small societies all public spirit soon becomes merged in a feeling of private conventional arrangement : a sort of corporate spirit soon prevails, fatal to the fair administration of the laws ; and, above all, public opinion becomes a very weak and ineffectual check. In truth, public opinion in the lesser islands there is none."

After pointing out how difficult under these circumstances was the position of a Judge, a Magistrate, and indeed of any person in authority in the West India Colonies, Lord Nugent continued :—

"In truth, I have good reason to believe that, under the present system, a Representative Government and Trial by Jury, are instruments only of oppression and injustice. I believe, that on the whole, a power entirely arbitrary and irresponsible, vested in the hands of some one with

fair dispositions and sufficient independence to do justice, would, in a majority of cases, give a better chance of substantial right. Accordingly, where a Governor is resolved to do justice after his own way, without truckling to local influences, or conforming himself to the prevailing spirit of cabal and intrigue among the planters, he has only to withdraw himself from under their domination, and his power becomes totally arbitrary, uncontrolled, and practically as far as relates to the authorities of the island, entirely irresponsible. And yet it is remarkable, that under such Governors the fewest grievances are suffered, and the fewest subjects of complaint arise."

Mr. Hume the member for Montrose (not so well known then as in later days), also spoke in favour of the motion, and further moved that a Commission should be sent to Trinidad "to inquire into and report upon the nature of the Spanish Laws, both criminal and civil, as there administered; the extent of the taxes and other burthens imposed upon the inhabitants; the powers exercised by the Governor; his Proclamation respecting Grants of Land; and other matters that affect the welfare and prosperity of the Colony."

The motion, like the few words spoken by the Junior Counsel in opening an important case was but the introduction for what was to follow. No sooner had Mr. Hume resumed his seat than Mr. Marryat rose. He at once entered upon the question of the necessity of a Parliamentary Inquiry into the state of affairs in Trinidad, and his entire speech was an elaborate indictment of the administration of Sir Ralph Woodford. He began by comparing the Revenue and Expenditure of Trinidad with that of the neighbouring island of Grenada, deducing from the figures he quoted that whilst both islands produced about the same quantity of sugar, the former was groaning under a crushing system of taxation nearly six times greater than that which prevailed in the latter. It did not of course suit the purpose of the honourable gentleman to mention that Grenada was an old and thickly-populated Colony, whilst Trinidad was, as a sugar Colony, almost in its infancy, and suffering from the want of a sufficient supply of labour. He reiterated almost *verbatim* the charges he had but recently brought against the Governor in connexion with the case of the runaway slaves from Pointe-à-Pierre, admitting with a frankness somewhat suspicious, that having forwarded a complaint to

the Colonial Office upon that subject, he had "received rather a smart rap on the knuckles, for presuming to question the excellence of any of the regulations devised by Sir Ralph Woodford, for the benefit of the inhabitants of Trinidad."

After repeating many other charges which had already been dealt with by the Colonial Office, Mr. Marryat closed this part of his speech in these words: "The inequality of the burthens imposed on the inhabitants of Grenada and Trinidad is easily accounted for; Grenada enjoys a British Constitution—her laws are framed by representatives chosen from amongst the people, and who can impose no taxes to which they do not themselves contribute in common with their fellow subjects; but Trinidad is under an arbitrary government, and her laws are made by a single individual, who has no common interest with those over whom he rules."

It really seems almost incredible that Mr. Marryat could have made such an assertion as this—that he could have *believed* what he said no one can suppose. The Laws of Grenada framed by "REPRESENTATIVES CHOSEN FROM AMONGST THE PEOPLE!!!"

The People! What meaning had such a term in any West India Colony in 1822, especially in a British West India Colony, and more especially still in Grenada, notorious for the harshness of its laws framed solely in the interests of the planters and slave-owners, and peculiarly open to the remark made by Lord Nugent in the earlier portion of the speech already referred to: viz., that one great obstacle in dealing with the West India Colonies was "the smallness of the free white population, the only persons possessing any share of political rights."

After making this astounding assertion, Mr. Marryat continued his attack. With more ingenuity than honesty he contrived to charge Sir Ralph with the most heartless cruelty towards the patriot party in Venezuela, knowing full well that in doing so he could safely count upon one of the peculiar idiosyncrasies of Englishmen, who are always prepared to sympathize with, and lavish money upon those who rebel against the tyranny and injustice of any Government, except of course that which sits at Westminster. He then went into the general question of taxation, taking good care, although with

some amount of cautious reserve, to attribute Sir Ralph Woodford's augmentation of certain fees of office to a desire to fill his own pockets.

But all this was but leading up to the climax—the Land policy of the Governor ! That was the real object at which had been directed the memorials, the petitions, the newspaper articles of the Committee for years, and it was to that the speech of the ex-Colonial Agent was mainly directed. His speech is too long for insertion, but those who are curious enough to desire to read the arguments used by the ablest advocate of a bad cause will find it in the 7th volume of Hansard, April, 1822 to August, 1822, pp. 1805, *et infra*.

Like all pleaders who care more to gain a verdict than to vindicate truth, he had to make some damaging admissions ; for instance, in his anxiety to prove the correctness of *his* interpretation of the Cedula of 1783, he said that “it opened Trinidad as an asylum for fugitive debtors,” an expression the reverse of complimentary for the great bulk of those of whom he professed to be the mouth-piece.

He dwelt at great length upon the unfitness of the Spanish Commercial Law for an English Colony, and this part of his speech is reproduced in order that impartial readers may judge which of the two systems, the English or the Spanish was to be preferred, and also to enable them to form their own opinion why Mr. Marryat and those who acted with him sought to substitute the former for the latter. He said :

“The objections to the Civil Laws of Spain as administered in Trinidad, may be comprised under the following heads :—Their unfitness for a commercial country ; the delay arising from the forms of the proceedings ; the expense occasioned by the length of the suits ; the uncertainty of the decisions, owing to the discretionary power vested in the Judges ; and the obscurity of the Laws themselves. Spain is not a commercial country.”

* * * * *

The Spanish Laws prohibit creditors from bringing an estate to sale under execution for less than two thirds of its appraised value, which generally far exceeds its real value. If, at the sale, a cash purchaser be not found, the creditor at whose suit the proceedings are instituted may be compelled to take the estate at the appraised value, and must immediately find cash to pay the balance. The object of most creditors is to realize the debts due to them, not to lock up still larger sums in

the purchase of West India property for more than it is worth; and it is obvious that whilst debts can only be recovered under such difficulties and disadvantages, few advances will be made to planters in Trinidad. A great discouragement to commerce in the Spanish Laws is, that they do not allow interest according to the Laws of Great Britain and the custom of merchants who make up their accounts annually by adding the interest to the principal, and charge interest upon the whole balance in the new account. Here the law and the custom are completely at variance; and so long as any litigious debtor in Trinidad can avail himself of this plea credit will not be given there as in other Colonies.

Mortgages are a species of security, the validity of which has always been held sacred in other countries, but has been much weakened by various decisions in Trinidad. Don Chacon, the last Spanish Governor in that Colony issued a Proclamation legalizing loans upon mortgages of estates, bearing interest at the rate of six per cent. per annum, establishing a registry for recording those mortgages and empowering the mortgagee if the instalments were not regularly paid to foreclose and bring the effects to sale in three days from commencing the proceedings. Under this Proclamation many persons were induced to make advances to the planters of Trinidad, and the Colony had rapidly risen to that state of cultivation and prosperity in which it was found when it fell under the Government of Great Britain."

Mr. Marryat then went on to state that Judge Smith by adhering to the Spanish Law had practically invalidated British mortgages, and dwelt particularly on what by him and his immediate associates was looked upon as an enormity of the darkest hue. He said :

"Another mode by which Judge Smith superseded the validity of mortgages in Trinidad, was by applying to that Colony a law passed in Spain in 1790, which in order to secure to the husbandman such a credit with the merchant as might enable him to continue his agricultural labours (during the period when for want of produce he might be destitute of the means of obtaining the necessary supplies), gave the merchant the right of payment for such supplies, by preference, out of the crop of the succeeding year. On this principle Judge Smith decreed, in the case of *Foulkes vs. Whitmore and Langton*, October 16th, 1809 (and the precedent continues to be acted upon), that the supplies for cultivation of the estates, without limitation of time or amount, are to be paid in preference to mortgages; and as many estates for some years past have not paid the expenses of cultivation, the whole revenue is paid over to the island creditors to the exclusion of the mortgagee, whose security instead of being the best has now become the very worst that can possibly be held in 'Trinidad.'"

Mr. Marryat next entered upon the delays attending the administration of the Spanish Law, and the great hardship which it inflicted upon the creditor as against the debtor. His description, coming

as it does from an opponent, is so favourable to the Spanish Code that it is here reproduced. It shews how different were the Commercial Codes of England and of Spain, and fully explains both the anxiety of the British Party to bring about a change, and that of the old colonists to leave matters as they were :

“ In the first place, the debtor enters upon a defensive litigation with his creditor under this peculiar advantage—that instead of being subject, as in an English Court of Law, to costs if the creditor succeeds in establishing any part of his claim, he is exempted from them unless the creditor can establish the whole. It frequently happens that some particular item cannot be substantiated for want of the necessary document, and then the costs of an expensive and tedious suit are thrown upon the creditor, and sometimes absorb the whole of his debt. If the creditor surmounts this difficulty, prove his whole demand, and obtain a sentence, the debtor has still various means of evading payment. He may pray for a *concurso* of his creditors, and offer to surrender his whole property to be divided among them. They are then convened by public notice, their various demands are given in, and legal proceedings instituted to establish them by proof. When these formalities are concluded, each creditor is to contend with the others for preference according to the Spanish Law. If the demand be upon specialties, they are decided upon, according to priority of date, registry or non-registry in due time, and the privileges arising from the origin of the debt. Then follow contests between the mortgagees and creditors for supplies ; the latter claiming a priority over the former under the Spanish Law as administered in Trinidad. All this time the debtor continues in possession, and is allowed alimony out of the estate for taking care of the property. The creditor who instituted the original suit, and was at the expense of carrying it on for several years after obtaining sentence, execution, and even sale of the property, often finds all his labour lost, and his claim set aside in favour of some more privileged competitor. When the debtor is at length ordered to deliver up the property to the Depositario or to a purchaser, the wife presents herself against all the creditors, and claims the fortune she brought her husband at her marriage which she alleges to have been expended in improving the property in dispute ; or if the wife be dead, the children come in through the Father General of Minors, and demand their maternal property.”

Now, without pausing here to compare in detail the two very different codes, it is necessary to point out that in this part of Mr. Marryat's speech there was both a *suppressio veri* and a *suggestio falsi*. Anyone would suppose from it that the innocent, guileless English capitalist had advanced moneys to the Trinidad planter, and that it was only when he endeavoured to recover his own that then for the first time he was made aware of the Spanish Law and of the

protection it afforded to helpless wives and children as against the claims of the creditors of an extravagant or reckless husband or father. This, however, was not so: capital had been advanced by English speculators both before the conquest and subsequent to that event; in the first instance, because although the Spanish Law was there, the speculation was a good one, and afterwards, because the influential merchants of London, Bristol and other great cities felt certain of gaining their point and introducing into Trinidad the Commercial Law of England which so admirably protected the strong against the weak, the wealthy against the poor!

The rest of Mr. Marryat's speech was little more than a venomous attack upon Sir Ralph Woodford, and he was briefly replied to by Mr. Goulburn, who denied the correctness of Mr. Marryat's statements and undertook that early in the ensuing Session papers disproving them should be laid before the House. He also entered a strong protest against the claim for what was termed the British Constitution and British Law for Trinidad. "In a country like England," he said, "where all the inhabitants were equal in the eyes of the Law no system could be adopted more likely to promote the happiness of the community: but, unhappily, this was far from being the case in the West Indies. And in the Slave Colonies, the effect of the British Constitution, as it was called, wherever it prevailed, was to throw the whole power into the hands of the white oligarchy, to the exclusion of every other class from the enjoyment of the advantages of that Constitution: so that its boasted benefits were confined to a twentieth or thirtieth part of the whole population, who were thus enabled to tyrannize over the rest. In Trinidad, there were about 3,600 whites of all ages, and both sexes; but in the same island there were about 14,000 free persons of colour, many of them persons of property; and nearly twice that number of slaves. Now, the Spanish Law secured certain privileges to the free people of colour, and to the slaves, which they did not enjoy in Colonies governed by what was termed the British Constitution and British Laws; so that, in giving the boon that is demanded to a fraction of the population we should be inflicting a serious injury on the great mass of the community. There are

serious difficulties in altering the form of Government that had been improvidently granted to our old Colonies—a form of Government certainly ill-adapted to the unhappy peculiarities of their case, but I can not consent that any further extension should be given to this evil.”

Mr. Goulburn concluded by declaring that whenever the proposition of the honourable gentleman (Mr. Hume) with respect to Trinidad should be brought forward, he would give it his most determined resistance, as a proposition fraught with cruelty and injustice.*

Mr. Marryat’s hostility to Sir Ralph was not confined to his policy either with regard to the lands of the Colony or the manner in which the Revenues were collected. He went further and attacked him in his private character as deficient in common humanity.

In June, 1819, when speaking against the Foreign Enlistment Bill, the former Agent for Trinidad had said :

“ So strongly has the spirit of hostility to the Independents of South America been acted upon in Trinidad, that while emigrants of the Royal Party have been promoted to situations of honour and emolument, an asylum has been refused to persons of the opposite party ; and even when a number of the inhabitants of Guiria, on approach of the Royalist Army embarked on board boats and canoes, or any craft they could find, they were not permitted to land, but obliged to return to the place from whence they came, where they were massacred, men, women and children, without distinction.

A British sloop of war went down to Guiria some weeks afterwards, and on their return the Officers reported that the carcasses of these unhappy wretches had been left a prey to the birds of the air and the beasts of the field, and that for near two leagues together their bones whitened the shore.”

These statements were formally contradicted by Lord Castlereagh on the authority of the Official Despatches received from the Governor of Trinidad, from which it appeared that the conduct of that Officer had been exactly the reverse of that described by Mr. Marryat, who Lord Castlereagh “ was afraid had obtained his information, which was altogether unfounded, from other merchants who had forgotten

* Mr. Hume withdrew his amendment in consequence of the promised production of papers concerning Trinidad by the Government.

the British mercantile character in their occupation as agents for those (the Spanish-American) Colonies.”

The House was also informed by Mr. Goulburn on behalf of the Colonial Office, that after a careful investigation the Government was satisfied that no one had been refused entry into Trinidad but on valid and sufficient grounds. There the matter rested for a time, but Mr. Marryat was not a man easily diverted from his purpose, and he only awaited a favourable opportunity to renew the attack.

On the 28th January, 1822, he wrote as follows to Lord Castlereagh :

GREAT GEORGE STREET, WESTMINSTER,

MY LORD,

26th January, 1822.

Your Lordship may probably recollect that in the debate on the Foreign Enlistment Bill, I made certain assertions concerning the treatment to which the refugees from Guiría had been subjected by Sir Ralph Woodford, the Governor of Trinidad. These assertions of mine were contradicted by your Lordship and Mr. Goulburn. Your Lordship stated that the fugitives had been well received by Sir Ralph Woodford, and Mr. Goulburn added that his Majesty's Ministers were perfectly satisfied with his conduct.

The newspapers containing the report of this debate having reached the Spanish Main, the Government of Colombia caused examinations to be taken on oath, of persons worthy of credit, concerning the matter. These examinations have been registered, and duly authenticated copies have been prepared.

One of these copies was transmitted to me, and when the House of Commons meets I shall make such use of it as will justify the veracity of my statements which your Lordship and Mr. Goulburn thought proper to impeach.

I am, however, induced to send your Lordship a translation of it in the meantime, from other considerations which give great importance to the proceedings of Sir Ralph Woodford and to the determination of his Majesty's Ministers respecting his conduct.

Every province in South America has now shaken off the yoke of Spain and the establishment of commercial intercourse with their new Governments is become an object of serious interest to every maritime nation. Portugal has already acknowledged the independence of Buenos Ayres and Chili. The President of the United States of America has declared in his opening speech to the Senate and House of Representatives, that his best exertions shall be used with Spain to obtain from her the recognition of South American Independence. The Chambers of Commerce of Paris and Havre are understood to have addressed the French Government with the same object, and the new formed Rhenish West Indian Company is negotiating with the deputy of Colombia with

the view of obtaining exclusive commercial privileges for a pecuniary consideration.

Great Britain, whose only practicable relief from the heavy burthen of taxation under which she labours, is the prosecution of her commercial pursuits and the finding of new marts for the sale of her manufactures, and who must look to the New World to indemnify her for the restrictions imposed upon her industry by the jealousy and envy of the Old, ought not to be the last in the race of commercial enterprize, nor in readiness to acknowledge the triumph of freedom; but if, instead of showing any dispositions to enter into any relations of peace and amity with the new Governments of South America, His Majesty's Ministers (as their intention is reported to be) again send out, as Governor of Trinidad, the man who stands recorded in the archives of Colombia as the enemy of the Independence and as having occasioned the slaughter of thousands of her subjects by his inhospitable and cruel conduct, can we reasonably expect to conciliate her favour or to be placed by her on the footing of the most-favoured nations? Such an appointment would imply a full approbation of Sir Ralph Woodford's conduct by His Majesty's Ministers after these documents had come to their knowledge, and necessarily transfer the odium which is now confined to himself as an individual, to the Government by which he would be supported and patronized.

I have the honour to be,

My Lord, &c., &c.,

JOSEPH MARRYAT.

This letter was ostensibly written with the object of defending commercial interests of certain British subjects whose trade was alleged to be injured by the cruel conduct of Sir Ralph Woodford towards the patriots of Venezuela. It was in reality only another attempt to discredit the former with His Majesty's Government. Lord Castlereagh who was perfectly able to gauge the amount of credence to be given to such a statement contented himself with forwarding the letter to his colleague Lord Bathurst, by whom it was transmitted to Sir Ralph who was still in England.

Although dependent almost entirely upon memory for his facts the Governor of Trinidad, within a fortnight furnished the Colonial Minister with a thoroughly satisfactory reply to the charges brought against him. This was communicated to Mr. Marryat by the authorities but without the slightest effect, for the persistent opponent of Sir Ralph Woodford had evidently in his mind the maxim :

“ Calomniez, calomniez toujours,
Il en restera quelque chose.”



CHAPTER XL.

IN FEBRUARY, 1823, Sir Ralph returned to Trinidad, and resumed the Government after an absence of nearly two years.

Judging from the Report published in the *Trinidad Gazette* of the 19th of February, 1823, his return was hailed with general and great satisfaction. It was remarked that the date coincided with that of the capture of the Island, and the writer of the article in the *Gazette* which announced his return, questioned if Sir Ralph Abercromby “experienced more pleasure at having accomplished his arduous (?) undertaking and in the anticipation of receiving the approbation of His Sovereign, than Sir Ralph Woodford in again returning to resume the Government of this Island—in the equitable administration of which all his talents, all his hopes, and all his cares have been centred, both during his residence among us, and the time of his abode in England.”

On landing the Governor was received in due state by the Administrator, the Chief Judge, the Council, the Catholic Bishop at the head of his Clergy, the Alcaldes and the Illustrious Cabildo, the Military—both Regulars and Militia—and the principal inhabitants. Unfortunately, there were in those days two clearly defined sections in the community, the white and the coloured, and it is right to mention how the latter seem to have viewed the return of the Governor. According to one writer :

“The whole town was in motion, drums beating, horses galloping, the whites giggling, whilst the face of every coloured man, woman, and child bore the unequivocal expression of discontent, sorrow or fear.

Colonel Corrie dressed himself in full uniform, mounted his charger, and putting himself at the head of the band belonging to the Royals,*

* The Royal Regiment was composed of free men of colour.

paraded the town beating for soldiers ; but all of them hid themselves with the exception of a few unfortunate fellows who had not time to escape.

* * * * *

This cool reception on the part of the numerous coloured militia, created no small alarm. Rumours portending rebellion were purposely spread, and some indiscreet whites even said that the coloured militia men were about to be disarmed ; Sir Ralph Woodford landed amidst the huzzahs of the whites and their dependents and the hearty execrations of not less than 13,392 persons composing the whole number of free persons of colour.

Calming measures were resorted to by Sir Ralph Woodford. He requested a meeting with one of the persons of colour who was empowered to bring some friends.*

The writer of the above, no doubt, expressed in energetic language his own feelings, and what he conceived to be the feelings of a certain portion of the community. Sir Ralph Woodford's own account of what occurred is to be found in a speech which he made to the Council shortly afterwards, in which he said :

" Having learned that the coloured people were discontented in consequence of the recent Orders in Council, some of the clauses of which they interpreted as placing them in a worse position than they had previously occupied, and deeming it advisable that no time should be lost I directed that it should be intimated to Dr. Philip, a respectable person of that colour, that I would receive him and any others of his friends in order to have an interview upon the subject. Accordingly, Dr. Philip attended with six or eight other respectable inhabitants of colour.

I expressed to them my regret that the Order in Council should have been misunderstood and explained that the intention of the Government was to better their position rather than to impair it.

I expressed my opinion that they should have waited to see how far and in what manner the new law affected them injuriously before expressing any discontent with it, but added that they were quite at liberty to make any representation upon the matter which they might deem advisable. They retired apparently well satisfied with what they had heard."

These versions differ not so much as to what took place at the interview, as to the object of the Governor in granting it.

The author of the "Free Mulatto" (Dr. J. B. Phillip), evidently desires to convey the impression that Sir Ralph was alarmed at the attitude of the coloured people, and therefore endeavoured to cajole

* "Free Mulatto," pp. 259, 260.

them with fair words. From the Governor's point of view he merely did what he thought to be his duty in explaining what he conceived to be a misunderstanding on their part, in order to allay alarm and remove discontent. In this he was not successful, for within a month he informed the Council that he was aware that a large sum of money was in the course of collection amongst the coloured people to defray the expenses of a deputation which was to be sent to England to lay their grievances before the King's Ministers. On this the Council resolved that it was advisable to "forewarn the Minister in order that they, (the people of colour) might be met with such a reception as their conduct appeared to deserve."

It is no wonder that the acts of both the Governor and the Council were looked upon with suspicion by a section of the community against whose most harmless act of presenting a Petition to the Sovereign it was thought advisable to "forewarn" the Secretary of State!!

The immediate cause of the discontent of the free people of colour was the issuing of certain Orders in Council, under date of the 16th September, 1822, which they considered, and with some show of reason, to press very heavily upon them, introducing as they undoubtedly did, a new form of words which might well be interpreted as placing them on the same footing socially and politically as those of their class in the English islands.* These Orders enacted:

"That for the more effectual suppression of petty thefts and offences within the town of Port-of-Spain and the suburbs thereof the Alcaldes in Ordinary. . . . should sit in open Court for the hearing and determining of all such petty thefts, assaults, breaches of the peace, contravention of the police laws and regulations, and all similar misdemeanours, as by the Chief of Police, or by his Assistants shall be brought before them, and shall have power to adjudge the prisoner on a verbal and summary hearing to a fine not exceeding two months with or without hard labour. . . . or to work in chains in cleaning the streets, or other public work. . . . or to corporal punishment. . . .

* Those Islands which had been for sometime held by England were known by this name, but St. Lucia and Trinidad were commonly called "French Islands."

If in any cases of *free persons*. . . . corporal punishment should be adjudged. . . . The prisoner on his being convicted, was to be committed to the Gaol there to abide the next ensuing monthly meeting of the magistrates who might order such punishment by stripes not exceeding forty in number; or solitary confinement; or hard labour, with or without chains for any period not exceeding three months

Whatever interpretation a Court of Law might on appeal have given to the words "free people," they were certainly read but in one way throughout the Colonies. The term had never been applied to a white man, because he was free of course,—it meant, and was well understood to mean, those coloured people who were not slaves.

It is true, that by the Laws already existing free persons of colour were liable to degrading corporal punishments on conviction of felony and some other defined offences from which whites, as such, were exempted. That however, was the state of things (in Trinidad) into which they had been born or under which, by settling in the Colony they had voluntarily placed themselves—a state of things solemnly guaranteed to them at the capitulation. But something very different was now made law. They were to be liable to similar punishments for "assaults and contraventions of all police regulations." Assault is a vague term, including many degrees of violence and criminality. In 1822 a contravention of Police Regulations might mean,—landing from a vessel without permission,—dancing after 9 p.m. without Police sanction, walking in the streets after 10 p.m., and a hundred other things ordered or forbidden, for municipal, sanitary or police considerations. It can scarcely, therefore, be surprizing, considering the class from which the Alcaldes could alone be elected, the gradual increase of the tendency towards English (Colonial) Legislation, and the undoubted hostility shewn towards them as a body by the dominant class, that the coloured people in Trinidad in 1822–3 were dissatisfied with their position.

In the meantime other events were pursuing their course.

On Trinity Sunday, May 25th, 1823, the newly-erected Anglican Church (now known as Trinity Cathedral) was consecrated with great state and ceremony. At 10.30 a.m. the Illustrious Cabildo after

having formally met, proceeded to the Church in the following order :—

Alguazils to clear the way.
 The Chief of Police.
 The Regidors.
 The perpetual Regidor carrying the Standard.
 The Alcaldes de Barrio.
 The Alcaldes in Ordinary.
 The Fiel Executor.
 The Treasurer.
 The Secretary.

The members of H. M. Council were drawn up on the left and the Public Officers on the right of the enclosure, awaiting the arrival of His Excellency the Governor and the Clergy.

His Excellency arrived shortly after eleven o'clock in his State carriage and four with his servants in State livery, preceded by outriders and escorted by a detachment of the Trinidad Light Dragoons. He was accompanied by the Rev. S. H. Clapham the Protestant Rector of Port-of-Spain, the Rev David Evans (Garrison Chaplain) and the Rev. George Cummins.

The procession was then formed and entered the enclosure in the following order :—

Alguazils.
 The Chief of Police.
 The Alcaldes de Barrio.
 The Illustrious Board of Cabildo.
 The Parish Clerk.
 The Clergy.
 The Consecrating Clergyman.
 The Public Officers.
 H. M. Council.
 The Alguazil Mayor.
 H. E. the Governor with his Aides-de-camp and suite.

The procession was received at the Western door by the Officers of the Church, the Architect and the Churchwardens.

The Governor having been conducted to his seat, Mr. Clapham as consecrating Priest then proceeded down the centre aisle, repeating

alternately with the Assistant Clergy the first ten verses of the 24th Psalm. The ordinary Service of the Church of England was then proceeded with, an eloquent sermon being preached by the Rector, from the text: "I will give thanks unto the Lord with my whole heart; secretly among the faithful and in the congregation."—Psalm cxi., v. 1.

The ceremony concluded about two p.m., when the Royal Standard was displayed from the Tower.

A somewhat singular circumstance which shortly afterwards occurred did not tend to diminish the ill-feeling already existing in the breasts of the coloured people. Certain placards of a very seditious character had been posted about the streets, and threatening letters had on several occasions been received by the Alcaldes. Suspicion pointed to a free man of colour of the name of Doig, whose writing greatly resembled that of both placards and letters. It was not, however, considered that there was sufficient evidence to justify any action being taken against him, and consequently nothing was done. It subsequently appeared that the whole affair was a hoax, but whether an idle or malicious one it is impossible to decide. A few days before the matter was first heard of, an Englishman of the name of Erskine had arrived from Angostura and was staying for a short time in the Colony. He called one day upon the Governor and informed him that whilst walking out on the previous evening he had noticed a piece of paper lying on the road which he had picked up and found to be an open letter. His curiosity, he added, having induced him to examine the letter he found that although it bore no signature it was evidently a communication from one man of colour to another, and he found that it had a great resemblance not only in handwriting, but in expressed sentiments, with the placards he had noticed about the streets. It is not surprising that such a statement from a stranger of good name and apparent respectability should at first have received implicit credit. A few days later, however, Sir Ralph Woodford informed the Council that having for the first time received a letter from Mr. Erskine, he had been struck by the great resemblance which existed between the handwriting of that person and that of the placards, and also with that of the anonymous letter he

had himself produced, and as Mr. Erskine had suddenly left the Island under rather suspicious circumstances, he (Sir Ralph) was strongly inclined to believe him (Erskine) to have been the writer of the placards and letters attributed to Doig and others. It does not seem to have been considered worth while to trace out who this Erskine was, or to bring the matter home to him, but if Sir Ralph was right in his conjecture, as is most probable, it is clear that a senseless and heartless hoax had been perpetrated to the great injury of one section of the community whose burthen was already heavier than they could bear.

Whilst these events were taking place in Trinidad the advocates of Negro Emancipation were commencing in England the final struggle against African Slavery which was to lead to such portentous results for the Sugar Colonies of Great Britain.

On the 15th May, 1823, Mr. T. Fowell Buxton brought to the notice of the House of Commons the condition of the slaves in the British West India Colonies, and horrified his hearers with the description of their sufferings. It is worthy of note that of the long list of acts of cruelty detailed by him and others who spoke on the same side, not one was cited as having occurred in Trinidad, and it is also most significant that from their speeches it appeared that the most atrocious cruelties which had been perpetrated, had occurred in those Colonies into which English Laws and Trial by Jury (those blessings so ardently desired by the British party in Trinidad and so much feared by the rest of the community) had already been introduced, or had always existed. Case after case was cited, names and Colonies being mentioned, in which human life had been sacrificed, or fearful bodily injury inflicted, but in which Jurys had refused to convict the white defendant, or had awarded pecuniary damages so small as to amount to a mere mockery of justice. In one instance cited by Mr. Buxton matters had been carried even further.

In 1817, Governor Maxwell of Dominica reported to Lord Bathurst that the slaves in that Colony were brutally ill-treated, and cited several examples in support of his allegation. In consequence of this action on the part of the Governor the Grand Jury of the Colony

actually presented him as a nuisance. The presentment which was made on 26th August, 1817, was thus worded :—

“ The Grand Jury of Our Sovereign Lord the King do present.

1. That they find the Gaol in the same state as in February last, notwithstanding the repeated presentments of former Grand Jurys.

2. The Grand Jury laments that they are under the necessity of noticing an improper interference on the part of the Executive between Master and Slave which has caused considerable agitation, and, if persevered in, is likely to lead to the most ruinous consequences.”

Mr. Buxton concluded by moving certain resolutions which were adopted, and the Colonial Office at once commenced correspondence with the Governors of the Colonies in which slavery existed. On the 26th of June of the same year, Sir Ralph Woodford communicated to the Council of Trinidad the contents of a Despatch from Lord Bathurst upon the subject. The Minister in this Despatch particularly recommended the abolition of flogging in the case of female slaves as well as the practice of the drivers of the slave gangs carrying whips in the fields “ as emblems of their authority,” or to be employed “ as the ready instrument of their displeasure.” He directed the Governor to carry into effect Mr. Buxton’s resolutions at once, so far as it was practicable, and to prepare the planters for an Order in Council embodying those resolutions which would shortly be issued.

The Governor having asked for the advice of the Council upon this most important question the Members of the Board tendered the following statement of their views which was read at the next meeting of the Board, 9th July :—

“ The members of His Majesty’s Council, having in compliance with Your Excellency’s directions attentively considered the discussion had in the House of Commons on the 15th of May, relative to the motion of Mr. Buxton for the amelioration of the condition of the slaves, are of opinion that there can be no dissent from the principles contained in the Resolutions of the Honourable House.

With respect to the detail of the measures necessary to carry these Resolutions into effect, the Board are of opinion that the subject cannot be treated by them in a more fair and candid manner than by considering the propositions made by Mr. Buxton himself, by the results of which it will be seen that many of the improvements suggested by him are already in force in this Colony, that to the greater part of the remainder

this Board can see no objection, and that two only of the eleven articles proposed appear to be doubtful or impracticable."

The proposals of Mr. Buxton which did not recommend themselves to the Board of Council, were :

1. "That the slave should be attached to the Island, and under certain restrictions to the soil : " the advantages claimed for this system by its advocates appearing to them to be very doubtful.

2. "That a slave should be allowed to purchase his freedom a day at a time," which they deemed impracticable.

3. "That Sunday should be devoted by the slave to repose and religious instruction, and that other time should be allotted to them for the cultivation of their provision grounds."

To this they objected unless His Majesty's Government guaranteed full compensation to the proprietors for the loss of the substituted day.

The opinion of the Board having been thus ascertained, the Governor brought forward the following resolutions which he proposed to forward to the Secretary of State as expressing the mode in which in the opinion of the Board the slaves in Trinidad should in future be treated :—

1. That the condition of the slaves is capable of being ameliorated.

2. That the basis of such amelioration should be religious instruction.

3. That any system of emancipation should be commenced by the manumission of the female slaves.

4. That any emancipation of the children is not likely to be attended with the advantages that might be supposed to result from such a provision unless preceded by the emancipation of the mothers.

5. That emancipation should be fully indemnified to the owner according to the produce of his estate, allowing for the probable benefit to be expected from any late improvement upon his property.

6. That it be recommended to the proprietors of estates to make the following provisions and concessions :—

1. That religious instruction be afforded and places of worship provided in the several quarters at convenient distances.

2. That twenty-six days in the year be granted to the slaves to work in their grounds.

3. That the labour of slaves upon estates be limited to thirteen hours out of the twenty-four out of crop time, and sixteen hours out of twenty-four in crop, such limitations to include the hours appointed for their meals.

4. That the slaves be permitted and encouraged to deposit their earnings, however small, in Savings Banks to be established in convenient places throughout the island, under the care of a Committee, and the receipts to be paid quarterly into the Treasury.

These resolutions were unanimously approved: the Council, however, expressed a strong opinion that no other or further concession should be expected from the slave-owners.

Mr. Burnley, although he did not refuse to agree to the resolutions, did not for an instant cease his opposition to the measures taken by the Home Government with regard to the treatment of the slaves which he looked upon as an unwise interference with them certain to unsettle their minds and which could not do them any good. He proposed that instead of the Order in Council, a draft of which the Governor stated would shortly be laid before the Board, a Monthly Return of all cases of complaints against masters, or of masters against slaves should be published in the *Colonial Gazette* with full particulars as to names of parties, nature of complaint and decision of the Judge. Convinced of the general good treatment of the slaves in Trinidad, he wished that fact to be made known to the world at large by means of an Official Return. If there were any cruel or unjust masters in the Colony, the dread of such a Return being made public would, he contended, act as a deterrent. This proposal was so far adopted that the preparation of the Return was ordered, the question of its publication being reserved for future consideration.

A few days later, under the guise of a social gathering, a meeting of the planters was held in Tacarigua. The measures of the Government and Lord Bathurst's despatch, with regard to the Order in Council, were severely criticized, Mr. Burnley taking the most prominent part in the discussion, a line of conduct, which at the next meeting of the Council was alluded to by the Governor in severe, but under the circumstances, not uncalled-for terms. Burnley explained his conduct, and on his declaring that he had not intended to shew any want of respect for the Executive, the Governor expressed himself satisfied, and the matter dropped.

The day had not yet arrived, although it was not very remote, for open opposition to a Government measure, either at the Council table

or out of doors, to be safely undertaken. Burnley's tone on this occasion was much changed from what it had been a few years before, but it was still respectful although remonstrant.

On the next occasion however that the Council met for the discussion of the terms of the draft Order in Council, he spoke more decidedly :

"I have hardly yet," he said, "recovered from the surprise into which I was thrown when the draft Order was first introduced two days ago.

I have repeatedly asked that time be given for a due and proper consideration of the Order in Council, and have always been met by allegations that the Orders of the Governor are imperative, and that an Order in Council framed in entire conformity with the instructions from the Colonial Office must be sent home forthwith. But instead of this a draft is suddenly submitted to this Board differing entirely from the aforesaid instructions, which this Board is called upon immediately and at first sight to sanction.

I never apprehended much danger from an Order in Council, framed in conformity with the instructions ; such an Order must include so many impracticabilities, I may venture to add, so many absurdities as to carry with it its own cure ; in fact it would meet with such decided opposition and its demerits would be so forcibly exposed in every Island in these seas that I have always felt assured that no such Order would ever be returned to this Colony under the sanction of His Majesty's Privy Council. But it is widely different with the case now before the Board, as from the reduced scale of the concessions it is very likely to be received as the voluntary wish of the Colony and to be returned immediately upon our hands as a Law, without further consideration ; it is therefore highly necessary that due deliberation should be given to it here, and that proper time should be afforded for that purpose. I will not detain the Board by taking every clause of the Order in detail, but will mention some of my principal objections to it.

In the first place a material part of the said Order, largely affecting the properties of the inhabitants of this Colony is entirely at variance with the solemn act of this Board on the 9th of July last, when it was decided that twenty-six days in the year should be allowed to the slave population under an express condition that no further concession was to be expected or required, yet in the face of this decision the present Order requires forty-one days independent of holidays, and I call upon the Board to interfere for its own dignity and to prevent its own proceedings from being stamped with the charge of inconsistency. Such an enactment is totally inconsistent with the preamble of the draft itself, which states all the clauses to have been framed with a just consideration of the rights and interests of the slave proprietors, which I unequivocally deny. On the contrary, the present enactment will be productive of cruel injustice to them.

I entreat the Board to listen attentively to what I am about to say. In every situation of life, even in the worst and most horrible, even in

a state of slavery, Providence has so kindly ordered it that compensations are always provided which mitigate the evils, render them tolerable, and frequently, by the aid of habit, a powerful agent in the work of compensation, produce even content. This result is produced by degrees. Under the present system the whole of the youth and energy of a slave is devoted to the service of the master, but the latter in his turn is bound to take care of his slave when ill, and to protect him from want when no longer able to work; but under the system now proposed, this equitable arrangement will no longer exist; the slave will be allowed more time to himself, to his master's prejudice, who will also be the loser if the slave over exerts himself and suffers in health when working for himself, and yet the law proposes still to saddle the owner with the care of the sick and aged slave. I therefore propose as an amendment that a hospital and poor house should be established in every quarter of the Island to be maintained by deductions from the earnings of the slaves when working on their own account. I have heard it said that the planter will not be a loser by the days given to the slaves, as these latter will make up the lost time out of gratitude. I can only say that from my own experience, I expect no gratitude from them, and I warn the Board against coming to any decision on merely theoretical assertions. In conclusion, I move that the draft of the proposed Order in Council be published in order that all the inhabitants of the Colony interested in its provisions may have an opportunity of expressing their opinion upon it."

The Governor observed that it would be a mere waste of time to consult the inhabitants, as the general opinion regarding the Order in Council had been already most unequivocally expressed in more ways than one, adding that so far from its being necessary for him to "consult the feelings of the inhabitants generally, it was not even incumbent upon him to consult the Board, a step which he had only taken from motives of courtesy and a desire to obtain the benefit of their advice."

It was not only in Trinidad, but throughout the whole of the British West Indies that the proposed legislation was causing a very natural excitement. It was perfectly evident that emancipation was the ultimate object of those who for the moment professed to be content with a modification of the Laws affecting the slaves, and emancipation to the West Indian planter was synonymous with ruin.

It is no reproach to the noble-minded men who fought the battle of the slaves against their owners to say that they did so with immunity to themselves from pecuniary loss save any extra taxation which might result from a compensation grant. They are enti-

tled to be credited with the purest and most disinterested motives, but on the other hand it is most unfair to blame those, who seeing their fortunes, their very existence, menaced by the impending change, used every effort to avert ruin from themselves and those dependent upon them, and every allowance must be made for any extravagance in their language when speaking against the proposed measure.

Sir Ralph Woodford was of course bound to carry out the instructions of the Home Government, but he was far too well acquainted with the position of the planters in Trinidad not to perceive how seriously their future would be affected by a scheme of legislation which was to be introduced in the first instance avowedly as an experiment; and although he does not seem to have communicated the fact to any of the Members of Council, his despatches to the Secretary of State show that to a very considerable extent he endorsed the views entertained by Mr. Burnley and his colleagues. His representations, undoubtedly, had some effect; for it was not until the 25th March, 1825, that Lord Bathurst transmitted to him the final Order in Council, of the 10th of the same month, with special injunctions from the King that its provisos should be rigidly enforced.

In the draft which had been prepared in Trinidad it had been proposed to abolish the Sunday market, and to fix another day on which the market should be held. The Order sent out from the Colonial Office declared that on Sundays the market should not be kept open after 10 a.m., and absolutely forbade any compulsory labour on that day, except for works of necessity. It also prohibited the punishment of any female slave by means of whips, cat-o'-nine tails, or sticks, but allowed the use for that class of offenders, of the "stocks or any other punishment not repugnant to the prohibition of flogging, which the Governor might authorize."

The Trinidad draft Order imposed upon the Guardian or Protector of Slaves, the duty of visiting the various estates at stated times to receive any complaints the slaves thereon might wish to make. The Home Government would not sanction this, on the ground that such an "habitual interference with the authority of the master would

give too much encouragement to frivolous or unfounded accusations, and the terror which a rigorous master might know how to inspire before the Guardian and Protector of Slaves arrived on the plantation, might silence complaints which would require interference."

The despatch concluded in the following terms :—

"I cannot conclude without reminding you that there is nothing in the provisions of this Order which can give the planter any just claim for compensation.

I am as ready as any man to acknowledge and maintain that the slave must be considered as the property of his master. But a slave has his rights,—he has a right to the protection of his master in return for his service, and the law must secure to him that protection. There is nothing in the provisions of this Order which goes beyond the limits which this principle prescribes. In most cases they do little more than what practice has sanctioned or the law has already enjoined. The master is not deprived of the services of his slave on any day except Sunday, and it is to be hoped that no Christian master will so far forget himself as to claim indemnity for the loss of that which his religion must have taught him he ought never to require."

I have, &c., &c.,

BATHURST.

Under the same date, another despatch was sent to the Governor, giving detailed instructions as to the manner in which the provisions of the Order in Council were to be carried into effect. The Commandants of Quarters were to be called up to co-operate in this and in the event of their shewing any unwillingness or hesitation in so doing they were to be forthwith dismissed and others to be appointed in their place "in the principle of whose selection," wrote Lord Bathurst, "you will take care to appoint those who are most likely to fulfil the expectations of His Majesty's Government; and you will distinctly understand that it is to your exertions that His Majesty looks with confidence for overcoming that spirit of opposition which seems to have been industriously infused into the minds of many individuals from whose general character a better disposition was to have been expected."

That the Government having decided upon a fixed line of action should guard against being thwarted by its own officials was reasonable enough, but the above extract marks the date from which the independent position of the Commandants of Quarters ceased to

exist. They had of course always been amenable to the authority of the Governor, and liable at any time to removal from their offices by him ; still they were not mere Government Officers, but being invariably men of position in their Districts or Quarters, always enjoyed an amount of consideration quite independent of their official position, although certainly by no means diminished by it.

Whilst the Home Government was busied with these schemes for the amelioration of the condition of the slaves, Sir Ralph Woodford was not unmindful of the necessity of providing for the spiritual wants of the whole community, whether bond or free. In December, 1823, he wrote in the following terms to Dr. Buckley :—

“ MY DEAR LORD BISHOP,

I have the honour to acknowledge Your Lordship's letter of the 28th November with the enclosures. In returning that from Rome, for the perusal of which I have to thank your Lordship, I would humbly suggest the advantages that may arise from it, and in any case the propriety of the College of the Propaganda being informed of the difficulty of obtaining clergymen for the West Indies. The Protestant Church has long felt this, and the Catholic Church is equally deficient in pastors. Spain with her immense Colonies and extensive clerical foundations found the same difficulty until the period when the Capuchin Monasteries of Arragon and Catalonia were induced to send Missionaries to Terra Firma, who after a certain residence were to be considered entitled to additional privileges on their return to Spain. Although often uninstructed and ignorant, yet there have been I understand many well educated and clever individuals among the number, and to their industry is to be attributed the civilization of the Indians ; the great plains of the adjoining Continent are indebted to them for those valuable and extensive herds of cattle that have turned out so great a resource to that country, giving to an ocean of territory that would otherwise have been useless, a worth and a population that only could have been attained by a fraternity of industrious persons. Taking advantage then of Your Lordship's suggestion of the selection of youths from Maynooth College to be placed under Dr. Poynter's care, perhaps Your Lordship would be disposed to submit to the College of the Propaganda a plan of a similar nature to be supplied from some of the establishments at Rome or from the extension of the English College there.”

I have the honour, &c., &c.,

RALPH WOODFORD.

Although somewhat anticipating its actual date this is the most convenient occasion to cite another letter from the Governor to Bishop Buckley upon the same subject :—

GOVERNMENT HOUSE,
15th July, 1824.

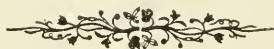
MY DEAR LORD BISHOP,

I have the honour to express to Your Lordship my acknowledgment for the honour of your communication of the 3rd instant, enclosing a letter from Dr. Poynter who very compassionately does not give us up as lost sheep, though I have my doubts if he will not do so when he finds we have such difficulty in allowing ourselves to be pleased. I allude to Mr. ——— of whom he speaks well. I would, however, beg to remark how much these gentlemen augment their demands. £60 was a few years ago considered sufficient ; upon entering into calculations with Abbé Besson, or rather for him, I found he could not get from Paris to this country under £100, and Lord Bathurst in fixing the sum for foreign recruits as sufficient for their passage money and outfit held that £60 would be enough from England. They do not like, at home, to be applied to for frequent alterations of orders ; this *en passant*.

Has Your Lordship found no youths here ? What is become of Mme. Clozier's son ? I shall be quite happy to assist in educating any subject likely to turn out well, in the manner Your Lordship so properly suggests.

I have the honour, &c., &c.,

RALPH WOODFORD.





CHAPTER XII.

FREQUENT mention has been made in the foregoing chapters of the Rev. Mr. Clapham, whose views upon Church Government did not as it seems recommend themselves to Sir Ralph Woodford. He had, however, been the principal Minister of the Anglican Church since the cession of the island in 1797, and when after 25 years he made up his mind to retire, the Governor used all his influence to procure for him a sufficient and well-merited pension. This was granted, but under conditions which do not do much honour to the Government of the day, for when on the 15th January, 1824, the Rev. George Cummins was appointed to succeed Mr. Clapham, he was allowed a salary of £400 per annum to be increased to £600 *at the death of the latter*, so that the pension of Mr. Clapham was paid by his successor to the extent of £200.

The concluding paragraph of the despatch in which the appointment of Mr. Cummins was announced to Sir Ralph Woodford decided the question of Anglican Church Government in Trinidad for the time being. It ran thus :—

It is ordered by His Majesty's Government that the Governor, as His Majesty's Representative, is to be considered as the Head of the Church of the United Kingdom established in the colony, which I notify for your guidance.

In 1824, a large immigration from the French Colonies occurred, the circumstances leading to which are worth recording as a further proof of the great difference which has always existed between Trinidad and the other Colonies of the West Indies in almost every point of view.

In the early chapters of this work the position of the free people of colour in the French Colonies as it existed at the close of the last century, has been fully described. It will now be seen

what that position became after the restoration of the Bourbons in 1815, when the worst features of the French Colonial System, the very abuses which had lost to France the Colony of St. Domingo, were re-introduced.

It must be remembered that what may be called the Charter of the free people of colour in the French Colonies was the Ordinance of Louis XIV. of 1622, commonly known as the "Code Noir."

In the present day the provisions of that Code may probably appear harsh and vexatious, but by those most affected they were certainly not regarded in that light, because for long years after they constantly appealed to the Ordinance in which they were embodied to prove the utter illegality of local laws by which they felt themselves aggrieved.

The 59th clause of that Ordinance was the one upon which they relied as defining their position in clear and unequivocal terms. It was thus worded :—

"Octroyons aux affranchis les mêmes droits, privilèges et immunités dont jouissent les personnes nées libres ; Voulons que le mérite d'une liberté acquise, produise en eux, tant pour leurs personnes que pour leurs biens, les mêmes effets que cause à nos autres sujets le bonheur de la liberté naturelle."

[TRANSLATION.]

"We concede to the freed men, the same rights, privileges and immunities which are enjoyed by those born free. We desire that liberty acquired may produce not only for themselves personally, but for their properties, the same results as the blessing of being born free has conferred upon our other subjects."

After the death of the Grand Monarque, a very different spirit began to animate those to whom the administration of the Colonies was entrusted, and to appreciate the causes of the immigration from Martinique in 1824, we must enter somewhat into details, which although strictly belonging to the history of another Colony, cannot be without interest to students of the past and present of the West Indies. In 1767 the Royal Council of Martinique prohibited, under pain of corporal punishment any assembly of persons of colour either in churches or private houses for the purpose of

religious instruction. Four years later they were forbidden to meet even for such legitimate objects as dances, weddings or banquets ; and shortly after this, Notarys and Solicitors were by a special Ordinance forbidden to employ persons of colour as clerks, on the ground that such posts should only be held by persons of known probity, a quality stated in the Ordinance as “ not to be looked for in persons of so vile an extraction.”

As a matter of fact the liberal views of Louis XIV. had after his death been entirely lost sight of, and the fatal results of this have been sufficiently demonstrated in the chapters relating to St. Domingo. It might have been supposed that the lesson there taught would not have been forgotten, and that the bitter experience gained in that Colony would have had a lasting and salutary effect, but this, however, was not the case.

During the first few years following the downfall of the French Monarchy and of the old feudal system, all distinctions of race and colour were, in appearance at least, swept away, but as the revolutionary fever cooled down, the old ideas and prejudices began once more to assert themselves. In 1803, the Governor of Martinique issued a decree by which every free person of colour was obliged within three months to give proof of his being free, failing which proof, he (or she) would be deemed a slave and sold at Public Auction for the benefit of the Colony. This decree, unjustifiable as it was, does not seem to have been in any way abused either during the Empire or under the cautious and timid rule of Louis XVIII., but with the advent to the throne of Charles X. all the old uses and abuses came back. The dull pedantic Comte de Provence who had been the bitterest enemy of his unfortunate brother Louis XVI., and certainly one of the immediate causes of the unreasoning hatred which brought Marie Antoinette to the scaffold, managed by yielding first to one party and then to another to die King of France after a reign of nine years. His last words to his successor have been recorded : “ J’ai louvoyé entre les partis et j’ai fait comme j’ai pu ; tachez de ménager la couronne au Duc de Bordeaux.” In those few words are expressed the whole of his selfish policy. He was succeeded by his brother the Comte d’Artois

who before the Revolution had been the life and soul of the French Court. The years of exile which had elapsed between 1791 and 1815, years which, but though few in number, were more eventful than any single century since the creation of the world, had made of the selfish, pedantic, and treacherous Comte de Provence—what was to be expected from his utterly despicable attributes, moral as well as physical—a man quite content to be replaced on the throne of a long line of ancestors by foreign bayonets and to play at being King of France so long as the performance of the part allowed him to wear the robes, and above all, to eat the banquets appropriate to the part. Very different had been the effect of the same period upon the Comte d'Artois. From having been the most hare-brained of the mad band surrounding Marie Antoinette in her innocent but fatal amusements at the Petit Trianon he had become, even before succeeding his brother, a bigot both in politics and religion. The result was that after a short reign of six years he was again exiled, and died at Goritz in 1836.

The politics or the relative merits of the two last Kings of France have no connexion with Trinidad, except in so far that the obstinacy of Charles X. had the effect of benefiting the Island much in the same way as his ancestor Louis XIV. had benefited England by his shortsighted and bigotted policy in revoking the Edict of Nantes.

No sooner did it become known in Martinique, that Louis XVIII. was dead, than the planters “plus Royalistes que le Roi” saw that the moment had arrived to re-establish in full force the old Colonial system with all its gross abuses. That such was their view, may fairly be inferred from the following extract from an address presented by them to General Donzelot, then Governor of the Colony, very shortly after the news of the death of Louis XVIII. had been received :—

“ Les habitans de la Martinique sont décidés à défendre, à quelque prix que ce soit, l'état actuel de la législation, et à ne jamais laisser porter aucune atteinte aux réglemens Coloniaux Si le Gouvernement avait un jour le projet d'y faire quelque changement nous prions Votre Excellence de lui faire bien comprendre que nous sommes fermement résolus de n'admettre aucune modification. . . . les habitans ayant pris la ferme résolution de se défendre. S'ils succombent la Colonie sera perdue pour la France.”

[TRANSLATION.]

“The Colonists of Martinique are determined to maintain at no matter what risk, the Law as it at present exists and to resist any attempt to interfere with any regulation at present existing in the Colony. Should the Home Government at any time attempt to introduce any change (in these laws and regulations) we beg of Your Excellency to report that we are determined not to permit the least modification. The Colonists have determined to protect themselves. If they fail the Colony will be for ever lost to France.”

This was strong language for a small and comparatively unimportant Colony to use towards the Mother Country, and could only have been provoked by something which roused the white settlers from their usual quietude. What that was will now be seen.

In 1822, a *brochure* was published in Paris, having for its title: “*De la situation des hommes de couleur libres, aux Antilles Françaises.*”

The circulation of this pamphlet was in no way interfered with by the French Government, a fact in itself of considerable significance. In course of time, however, it found its way to Martinique, where it at once caused the most intense alarm and excitement. It was the publication in the Colony of this pamphlet which led the white planters to address the Governor in the language just quoted, an act stigmatized some years later by an eminent Frenchman as one which “in every age and in every country would be considered as an act of rebellion.”*

General Donzelot does not seem to have been a man of determination. Instead of at once making it clear to those who signed and presented the Address that it could not be accepted if couched in such menacing and disrespectful terms, he sought in every way to flatter and conciliate them. He even allowed himself to be influenced by their real prejudices and imaginary fears. He ordered domiciliary visits to be made in the houses of all the free coloured people with the very natural result that many copies of the pamphlet were found, as was to be expected, as well as newspapers containing the report of a speech made upon the same subject in the Chamber of Deputies by M. L'ainé de Villevêque. Numerous

* Benjamin Constant—Speech in the Chamber of Deputies, 26th April, 1828.

arrests were made, and the result was a Government prosecution ending in sentences of perpetual banishment from French territory for some of the minor offenders. Those who were considered as the ringleaders were either transported to Senegal or sentenced to terms of imprisonment as galley slaves at Brest or Toulon. Amongst the banished, a large number elected to make Trinidad their future home, a strong, and indeed a conclusive proof that although even in that Island the class to which they belonged laboured under many social and political disabilities, they knew that they would in every way be better off there than in any of the other West India settlements. The Trinidad Government received them without any difficulty. They were simply required like all other foreigners to give security for their future good behaviour and further to undertake not to hold any correspondence with their friends in the French Colonies.

These immigrants, as it happened, arrived in Trinidad at a moment of considerable political excitement.

Messrs. Dwarris and Maddock, who had been appointed Commissioners to enquire into the vexed question of the laws affecting the Tenure of Land in Trinidad, as well as other matters referred to in the statements of the "Committee of Shareholders," had recently arrived, and as was to be expected, their advent had created a good deal of sensation.

The British Party took alarm at the very clearly expressed programme of the Commissioners,* and at once prepared for a final, and as they hoped a decisive struggle to secure "British Laws and a

* Immediately after their arrival the Commissioners issued a notice to explain the object of their Mission which they stated to be, to enquire :

1. Into the administration of Civil and Criminal Justice.

2. Into the expediency of maintaining the Spanish Law or of substituting for it the Law of England so far as the same might be applicable to the circumstances of the Colony.

3. The Land Question.

They further informed the public that :

"In regard to that part of the King's Warrant which related to the change of Laws, the Commissioners think it necessary to observe, that in their instructions from Earl Bathurst, His Majesty's Secretary of State for the Colonial Department, it is observed that it does not involve the question of convening a Legislative Assembly in Trinidad, and that upon this subject there is not the slightest reason to anticipate any departure from His Majesty's determination, which has already been expressed in the most explicit terms."

British Constitution." They also busied themselves in preparing "cases" for the consideration of the Commissioners to support their indictment of the policy of Sir Ralph Woodford, and they counted for aid upon all owners of slaves who without regard to politics, were anxious to prove that the recent Order in Council must bring about the utter ruin of the Colony.

Immediately after the arrival of the Commissioners a Public Meeting was convened, the object of which, as stated by Mr. Burnley, was :—

"The constitution of a Committee for the purpose of promoting the views of His Majesty's Government by facilitating the attainment of such information as may be considered useful by His Majesty's Commissioners of Inquiry now in the Colony to enable them to report upon the 'Expediency of maintaining in Trinidad the Spanish Laws now in force, or of substituting for them the Laws of England so far as the same may be applicable to the local circumstances of the Colony.'"

The Chairman, Mr. Cadett, also addressed the Meeting and after some preliminary observations, continued :—

"However well adapted to the circumstances of the Colony, at the time of its capture, may have been the system of Government hitherto administered, however politic it may have been to have continued Laws and Institutions which national predilection and usage had rendered dear and familiar to the then existing population,—however necessary it may have been at that time to arm the Executive with extraordinary powers when Revolutionary fury, desolating St. Domingo, agitated every Colony in this hemisphere with just apprehensions—yet it must now be apparent to every reflecting mind, that the time has at last arrived when more liberal institutions can with safety be conceded. The great majority of the inhabitants are now British born subjects, and the others can no longer be called foreign; they are British in their hearts and feelings and may with truth be classed amongst the most respectable and loyal subjects of His Majesty in the Colony. I am sure that I rightly interpret the sentiments of every gentleman present when I say that we wish for no change which may not essentially promote the real interests of *every class* of the inhabitants; we wish for a system which shall involve neither national nor religious distinctions and we are anxious to retain such parts of the present system as it may be found useful and practicable to engraft upon an English system of Jurisprudence; and above all we wish the whole to be so framed as to secure the just confidence of British Capitalists upon whose assistance the prosperity of every British Colonist must materially depend."

Referring to the proposed Order in Council, he said :—

"I have too high an opinion of the liberality of H. M. Ministers to suppose that they will tender us British Laws unaccompanied by the salutary

securities which have rendered those laws the pride of Britons ; that they should wish to deprive us of a voice in the selection of those taxes which we alone are to pay, or a control over that expenditure which is to be defrayed exclusively from our means, and I feel convinced that under some form of Legislature or other we shall be furnished with every reasonable security for the due provision and administration of the laws, and the economical expenditure of the Colonial Revenues."

Mr. Burnley's speech was however, as usual, the most telling and forcible one delivered.

"Twenty-one years have elapsed," said he, "since I first arrived in this Colony and the result of the experience I have acquired during that time is the conviction that the Island will never enjoy the prosperity to which it is fairly entitled by its natural advantages until the inhabitants have a system of Law and Government founded upon British principles. I will briefly explain the grounds of my conviction. The principal object of every Government is protection to person and property. I do not affect to believe that the persons of the inhabitants are in any danger ; under the protection of a British Ministry and of Parliament no improper use of Executive authority could take place in any Colony, but the moral effect of the system is bad, for where undefined power exists there is always apprehension of its abuse and thus the rule of action comes to be—not to do what is just and proper but what is considered as pleasing to the ruling powers of the day. I hope, therefore, that in any future scheme of Government the power of the Executive will be fairly limited, for the possession of undefined power as at present, answers no purpose but to render the Executive undeservedly the object of popular dread and hatred. It is most desirable that the taxpayers of the Colony should have some voice in the taxation and some control over the expenditure of the Revenue, without which the first would never be reduced nor the second kept within due bounds ; with respect to the probability of obtaining a Legislative House of Assembly I agree with what has fallen from the Chair ; we must rely upon His Majesty's Ministers, and even if we are offered the Law without the Constitution, my advice is that we should accept the offer, for that would give us trial by Jury and a free Press, and the rest would follow as a matter of course."

Several other persons addressed the meeting and amongst them Mr. Bégorrat who objected strongly to the English Law without a change in the Constitution, "for," said he "if that were to take place I should feel considerable alarm as to the security in their properties of those proprietors in the colony who are of foreign descent."

The immediate result of the meeting was the nomination of a Committee composed of the following gentlemen :—

General Dessources, Messrs. Cadett, Burnley, Murray, Lamont, Germon, Robin, Farfan, Brown, F. de Leon, J. Stow, J. Sanderson, Williams,

Jackson, Neilson, Aumaitre, Duncanson, de Lapeyrouse, Lefer, de Boissiere, Roberts, Corrie.

The uneasiness with regard to the proposed alterations in the law was not confined to one section of the community. It was especially felt by the colonists of foreign descent. These latter had seen with alarm the persistent efforts of the advocates of such a change to make themselves the dominant party in the Colony and dreaded (subsequent events showed not without reason) that under the guise of patriotism it was intended to strike a double blow, at their religion, and at their social position.

With regard to the religious aspect of the question, the Royal Commissioners did all in their power to dispel any feelings of alarm on that head. In answer to a letter addressed to them upon the subject they referred to the case of the Attorney-General vs. Stewart (Merivale's Reports, vol. II., p. 143) in which the Master of the Rolls had decided that the Mortmain Act did not extend to the Island of Grenada, the object of that statute being wholly political, it having grown out of local circumstances and being intended to have only a local application. This ruling the Commissioners held would on the same grounds apply to Trinidad.

Mr. Dwarris, one of the two Commissioners, in reply to certain questions put to him by a deputation of planters, addressed to them the following letter which, although very carefully worded, must be taken as consistent with the views of the Government under which he held his appointment :—

PORT-OF-SPAIN,

April 10th, 1824.

GENTLEMEN,

In answering the questions submitted to the Commissioners by a deputation of gentlemen, agreeably to a resolution to that effect passed at a public meeting in the country, I feel it necessary to observe (and I am sure it will be understood) that I can only state my own individual opinion without any express authority or particular decision upon the subject.

The question proposed is :

“What do the Commissioners understand to be meant by English Laws so far as the same are applicable to the local circumstances of the Colony”?

To which I (for myself) reply :

If *English Laws* were to be given in those identical and sole, or in

other equivalent general words, without any qualifying or restrictive expressions—it is apparent from the doctrine very perspicuously stated in 1st Blackstone, and supported by a series of decisions since, of which the latest is in 3rd Merivale's Reports, 143 : decided by Sir William Grant ;

1°. That you would not (any more than the other British Colonies) receive all the laws of England, which were neither necessary nor convenient for you ; and,

2°. That your own Judges in your own Colonial Courts would in the first instance decide, on English statutes being brought under their notice, which of them did *not* apply to you, guided, in the discharge of their duty by the consideration whether their objects and provisions were purely English or such as could conveniently be transferred into the code of another and infant country.

So that, if only *English Laws* were given you, or if the words of qualification which the King has himself annexed, do not carry the sense any further than if those words had been omitted, the laws which have been held *not* to be applicable to the other Islands would not be considered as extending here. And so much for those English laws that are held *not* to extend to the other colonies ; for it is to those that *do* obtain that I conceive the qualification to exist.

His Majesty's Government may think that some of the laws of England which *are* admitted in the old colonies have proved injurious in some of their enactments, or at least that they are not calculated for a population so varied, and for interests so complicated as yours ; and may intend to modify such laws before they communicate them to you. This is certainly *my* view of the case.

I think from the expression of the Government it is to be understood, not only that you will be exempt from inapplicable laws, but that His Majesty's Ministers will not necessarily confer upon Trinidad, in their present state, all the laws of England in force in the other colonies, without change or revision, but propose to alter and adapt them to suit the peculiar condition and circumstances of this Island. But first it is the duty of the Commissioners to investigate the comparative merits of the Spanish and English Codes, to ascertain the deliberate sentiments of the inhabitants as to a change of laws, and in the event of the introduction of English laws being found both conducive to the interests and consonant with the wishes of the people, to advise upon the mode of carrying that measure into effect most safely and most beneficially for all classes.

I have the honour to be,

Gentlemen,

Your most obedient Servant,

FORTUNATUS DWARRIS.

To Messrs. J. F. Farfan, St. Hilaire Bégorrat, A. Watherston, Richard Joseph and Sam. Samuel.

The daily increasing anxiety of the planters caused by the action of the Home Government now found vent in the following Petition :

“ To His Excellency Sir RALPH J. WOODFORD, &c., &c.

“ We, your petitioners, His Majesty’s loyal dutiful subjects, the free inhabitants of the Island of Trinidad, respectfully approach Your Excellency.

We have read with grief and dismay the draft of an Order in Council, laid by His Majesty’s Ministers before the Houses of Parliament on the 1st of March last, and declared to be intended for the improvement of the condition of the slaves in this Colony. We recognize to the fullest extent the power of the Crown, founded upon those principles of British Justice which have secured to the meanest subject of the realm the undisturbed enjoyment and use of his property until he has received full and fair compensation. We are sincerely impressed with a grateful sense of Our Gracious Sovereign’s beneficent intentions. We dutifully sympathize with His Royal wish to meliorate the condition and promote the moral improvement of the negroes by adopting measures in which due regard shall be paid to considerations of justice ; which, by tempering zeal with caution, may lead to practical good ; which, without regarding the fortunes and the safety of any classes of His Majesty’s subjects may promote the welfare of the slaves and that of their employers.

We appeal, fearlessly, to Your Excellency to witness that every heart in this Island beats in unison with his Royal wish ; that these, His Royal words infused joy and gladness into the breast of every inhabitant of the Colony. Animated by loyalty and by gratitude, we feel it to be our first duty to aid in promoting these His Gracious intentions, and to oppose ourselves to every obstacle which may tend to disappoint his beneficent views.

Actuated by these sentiments only, we, the free inhabitants of Trinidad, respectfully beg leave to express to Your Excellency our solemn conviction that the execution of the whole provisions and clauses of the aforesaid Order in Council will inevitably prove ruinous to the property of the master ; injurious and demoralizing to the slave ; peculiarly hazardous to the lives of the free coloured inhabitants under part of the 36th clause of that Order ; and totally subversive of Our Gracious Sovereign’s benign intentions.

We, your petitioners, therefore humbly pray that Your Excellency will be graciously pleased under the authority vested in you by the laws in force, to stay the promulgation and execution of the proposed Order in Council, until a true representation of its effects may be made to His Majesty’s Ministers, to be laid at the foot of the Throne, for His Majesty’s gracious consideration. And by so doing, Your Excellency will avert that catastrophe which must otherwise involve every class in this Colony in one common ruin, and will deserve the sincere and grateful thanks of a loyal and affectionate community.”

This Petition was merely the expression of the hostile feelings with which the planters regarded the Order in Council, an hostility which the King's Ministers were fully prepared to treat with but small attention. In a despatch upon the subject Lord Bathurst expressed :—

“The surprise felt by himself and his colleagues, as well as their regret at the course pursued by the planters upon the occasion. . . . for the primary object of His Majesty's Government has been to avail themselves of the observations of the planters on this delicate and important subject; and secondly, to give to the planters an opportunity of taking to themselves the credit of any measure which might be adopted for the benefit of the slaves by allowing them to anticipate His Majesty's wishes by a spontaneous adoption of what was in contemplation; but it never was intended so to compromise the unquestionable right of the Crown as to permit the planters to imagine that it rested with them whether the measures of His Majesty's Government were to be executed in Trinidad.” ‘I regret,’ continued the Minister, “that the measure in contemplation will not have the advantage of being considered by the slaves as having been arranged in concurrence with their masters, but this circumstance however much to be lamented ought not in justice to deprive the slaves of His Majesty's protection unless they should have forfeited it by their own misconduct.”

Considering that for a very considerable time before the proposed Draft Order in Council, the planters throughout the West Indian Colonies had opposed the measure by every means in their power, it was mere conventional rhetoric on the part of Lord Bathurst when he alluded to the ‘surprise and regret’ of his colleagues and himself that the planters should not only have objected to being ruined (as they rightly or wrongly believed they would be), but should have actually declined to take to themselves the credit of cutting their own throats!

The above despatch was laid before Council, and had it been penned ten or twelve years before would have doubtless been considered as a rebuke of the past and a warning for the future, but the Council of 1824, although composed of very nearly the same individuals, was very different to the Council of 1814. It was still merely a Council of advice, but for some time past the unofficial members under the able leadership of Burnley had begun to shew themselves not exactly hostile, but rather, so to speak, independent, towards the Government. Hitherto the members of the Council had been content with their

office of advisers whose views might or might not be adopted even if they were unanimous, but now under the pressure of personal interest they shewed unmistakable signs of a determination to free themselves from the trammels which had been imposed upon them since the days of Picton.

At the meeting of 29th April, 1824, Mr. Burnley took the unprecedented step of asking the Governor to lay before the Board several extracts from the official correspondence which had passed between himself and the Colonial Office since the 9th July, 1823, relative to the whipping of female slaves and the subject of compensation to owners; and also to the treatment of the slaves generally, as connected with the Order in Council to that effect, sanctioned and approved by the Board.

The Governor, as probably Mr. Burnley anticipated, refused to comply with this request, and the latter, after receiving answers to certain questions concerning the Order in Council, thus continued:—

“ Some doubt exists in the minds of members of this Board as to their possessing the privilege of giving their advice or opinions upon any subject unless when called upon to do so by His Excellency.

After attentively examining the tenour of the oath taken by the members, I am of opinion that the obligation “to promote the good of His Majesty’s affairs to the best of their ability” imposes upon them the duty of giving their advice unsolicited, upon any subject which might be considered as affecting the welfare of the Colony. In this view I may be wrong, but it is important that the doubt should be set at rest as no member wishes to step beyond the limits of his official duty, whilst all are anxious to avoid the charge of neglect from ignorance of the duties which devolve upon them.”

This question was nothing but a clever diplomatic move. No one knew better than the speaker that it had never been intended that the Council should be anything more than a Council of advice to whose opinions the Governor was by no means bound to defer, although, should after events prove him to have been in the wrong in rejecting their advice, on him alone would rest the responsibility. The reply of the Governor, although courteous, was most guarded:—

“As a matter of courtesy,” he said, “Members of the Board may be allowed to offer their opinions and advice upon subjects not immediately brought before them, but I am not at all prepared to go so far as to say

that they have such a *right*. I will, however, refer the matter for the decision of Lord Bathurst."

It may fairly be inferred from the very moderate tone adopted by him on this occasion, that Sir Ralph Woodford must have been aware that the King's Ministers were contemplating some change in the form of Government, under which Trinidad was in future to be ruled.

At the same meeting Mr. Burnley criticized in very strong terms the Order in Council, which, "would, if enforced, bring ruin and misery upon the proprietors, and prove totally destructive of the principal object contemplated, viz.: the improvement of the condition of the slaves."

He concluded by earnestly adjuring the Board to join with him in urging upon the Governor not to put the Order in Council in force until further time had been given to the planters to memorialize the Secretary of State upon the subject. The Governor at once declared that he had no power to suspend the publication of an Order in Council, at the same time expressing his conviction that no such disastrous results as those predicted by Mr. Burnley would result from its becoming Law. In connexion with this reply it should be mentioned that the draft Order had been published, not by any means *with* a view to amendments consequent upon adverse criticism, but merely as a notice to all concerned of a proximate change in the Law.

On the 6th May the Governor informed the Council that the actual Order had been sent to him accompanied by instructions from the Secretary of State that it was to be at once, and strictly, enforced. Lord Bathurst in his despatch, pointed out that there was nothing in the Order which could be construed as giving the owners of slaves any claim to compensation. The slave was still considered the property of his master, but he had his rights, one of which was protection in return for his services, and this the Order in Council secured to him; nothing in that Order went beyond this, and no other provisions were embodied in it which had not the sanction either of some already existing law or of long established custom.

This was no doubt perfectly logical on paper or as a speech in the

House of Commons, but was but a useless stringing together of words when addressed to the planters of Trinidad.

The objections of Mr. Burnley, and those whom he represented, to the Order in Council, were not founded upon an opposition to any abstract question as to the rights the slaves might possess, still less upon unwillingness to see introduced anything which could *really* tend to make their lot in life more bearable and in its last stages more comfortable. They knew well that in no colony were the slaves better treated than in Trinidad, and, although they considered such a step quite unnecessary, they would never have opposed the making obligatory by law what had existed as custom for many long years. What they dreaded was not the Order itself, but that of which it was but only too manifestly the precursor. Behind the stalking horse of a Law to ameliorate the condition of the slaves lurked, what to them meant ruin—Emancipation!

And this was indeed the logical conclusion. So long as it was an accepted fact that the slave like any other beast of burthen was the mere chattel of his owner, and that the latter was only amenable to punishment for ill-treating him, in the same way (although perhaps in a higher degree) as he would be for overtasking or cruelly beating a horse or a mule, the utmost he could hope for was to fall into the hands of a kind and considerate master and that he might end his days in his service. Legally the slave had no rights, practically he had many. The records of the old times, and the traditions of those who can remember them, shew clearly enough that although doubtless there were individual cases of cruelty and ill-usage which when brought to notice were severely punished by the authorities,* the slaves led a happy and contented life, enjoying certain well understood privileges and thoroughly knowing how to maintain them. If they were ill, it was to the “great house” they went for care and

* One instance of this will suffice. An old French lady who owned and worked an Estate on the East coast had occasion to find fault with her female cook (a slave) who in spite of repeated warnings allowed the Calalou for the Sunday breakfast to burn in the cooking—an unpardonable offence in the eyes of the amateurs of that most excellent dish. Furious at this Mme. C——— ordered the unfortunate woman to be stretched out “à quatre piquettes” *i.e.*, to lay flat on the ground tied to four posts and to receive a whipping. The witnesses stated that whilst the punishment was being inflicted “Madam walked up and down smoking a cigar” and

medicine. If a child was born, the "Massa" or the "Missis" or better still one of the young "Massas" or "Missies" was expected not only to be Godfather or Godmother but to bear the expenses of the ceremony. Christmas, New Year and Easter meant nominal presents of vegetables, eggs and poultry to the master and substantial returns in the shape of clothing, and other comforts.

This was of course no argument in favour of slavery as an institution, for which indeed *no* argument does or can exist, but it shows what were the mutual relations of the parties most concerned at the time when the Imperial Government commenced to interfere between them. All that was redeeming in the slavery system, all the kindly feelings which in the undoubted majority of cases had hitherto existed between the slave and his master would inevitably vanish, so at least contended the planters, with the promulgation of the Order in Council. The slave was still to remain a bondsman, a chattel, but he was to be authoritatively informed that he had "rights" and that those acts of kindness which he had hitherto looked upon as proofs of the generosity of his owner were his by law and could not be withheld from him. The planters contended that this was not only absurd but dangerous and it requires but an instant's reflexion to see that they were correct in their view.

The key note of the system of slavery was the absolute property of the master in his slave. For reasons of public policy and humanity there were well defined limits which a slave owner could not transgress, but theoretically his human slave was as much his as were the cattle or the mules on his estate, and therefore the moment the Legislature declared the slave to have "rights" defined and maintainable at law, slavery was virtually at an end, although emancipation was not formally declared. This the planters felt and resented, but unfortunately they were not astute enough to take advantage of

that when at every lash the poor cook called out "Aie, Aie, Mme. ça ka brûlé dos moué" (Aie, Aie, Mme. that burns my back.) Madam calmly replied "Eh bien ! Ma fille ! pour chi ou brûlé Calalou moué !" ("Well my good girl ! why did you burn my Calalou ?")

This case was brought to the notice of Sir Ralph Woodford and as Mme. C—— had already been found to be very harsh with her slaves she was fined \$200—the amount being equally divided between the Catholic and Anglican Churches.—*Records of the Court of Royal Audience.*

the temporizing policy of the Government so as to turn it to their own advantage and make the best of a bad bargain. Had they been wise they would have seen that although the ultimate downfall of the old Colonial system was inevitable, they might, by judicious concessions have so long delayed the catastrophe that the blow would have fallen at last with greatly diminished force, instead of which, not only in Trinidad, but to a far greater extent in the other English Colonies, they acted in a manner which at once and to an extraordinary extent strengthened the hands of their opponents.

Shortly after the meeting of Council which has been referred to Mr. Burnley forwarded to the Governor a remonstrance or protest against the Order in Council signed by himself and several other Members of Council.

At the next meeting of the Board the Governor characterized this hitherto unprecedented action on the part of members as a step taken: "merely with the object of embarrassing Government." Mr. Burnley defended his colleagues and himself on the ground that it would have been a dereliction of duty on their part to have allowed the Order in Council to be promulgated without expressing their opinion as to the evil consequences it might entail. This explanation Sir Ralph Woodford entirely declined to accept:—

"The method," he said, "by which members will best show that they have no intention to embarrass the Government or to obstruct it will be to support the Governor in the execution of his duty; to carry into effect the Orders of the Government instead of taking an active part out of doors in opposition to measures which it is the object of that Government to establish. Such conduct only tends to create feelings in the public mind prejudicial to their own interests and equally hostile to His Majesty's Government. Any objections the members had should have been openly stated at this Board in such a form as would have admitted of their being transmitted to His Majesty's Ministers, and I must express a hope that I shall receive from certain members of the Board a little more support in respect to the measures of the Government than I have lately experienced."

As the Governor concluded his remarks, Mr. Burnley rose, and said:—

"I am not conscious of having taken any steps out of doors which I am not prepared to repeat within: I should have done nothing out of doors had I met with any encouragement to act within, and if even now, I am permitted at this Board to use my best efforts to have the Order in

Council annulled, revised or amended, I shall not be disposed to do so elsewhere."

He then proceeded to show how serious would be the injury to slave owners from that Order, and in support of their claim to compensation made special reference to a speech made by Canning in the House of Commons in May, 1823, in which the Right Hon'ble gentleman had declared that His Majesty's Ministers felt themselves bound to sanction the just claims of those persons who had acquired slave property by no fault, no action of their own, but by purchase or inheritance, and under the sanction of repeated Acts of the Legislature. He concluded a long and most able speech, by asking the Governor to nominate a Committee of the whole Board to take evidence on the various subjects dealt with by the proposed Order, to be forwarded with a report to the Secretary of State.

The Governor was evidently much impressed with the arguments brought forward by Mr. Burnley, for he agreed to take the matter into consideration, although at the same time expressing his opinion that no good could result from the nomination of the Committee suggested.

The allusion made by Sir Ralph Woodford to the active part taken by members of the Council out of doors referred to a public meeting which had been held only a few days before for the purpose of protesting against the Order in Council. At that meeting Mr. Burnley had been one of the principal speakers and had characterized the Order as "an unholy attempt to erase what Divine Providence had written in such legible characters on the face of the globe, that sin carries with it its own punishment in this world as the next," an extraordinary outburst which seems to have been especially provoked by the 34th Clause of the Order, which made it incumbent upon the owner to provide for his slave when no longer able to work no matter what might have been his moral conduct.

It must not be supposed from the apparently antagonistic attitudes of Sir Ralph and Mr. Burnley that the former did not fully appreciate the fact that the planters had serious claims for consideration at the hands of the Government. That the contrary was the case is clear from his correspondence with the Home Government.

Under date of the 7th May, 1824, he wrote to Lord Bathurst that the Order in Council had caused great alarm amongst all the slave proprietors, who were apprehensive that it would be followed by other and more direct demands. He pointed out that the clauses regarding exemption for the slaves from work on Sundays, the prohibition of the use of any cat, whip, or other instrument to compel or coerce any slave to work, as well as some minor clauses, were liable to various interpretations by a Court of Law, which would operate unfairly to the proprietor. The 42nd clause of the Order had caused the greatest alarm as it confiscated to the Crown all the slaves of any person twice convicted of inflicting upon any slave any cruel or unlawful punishment, and upon this clause he remarked:—

“ When Your Lordship considers that persons are now for the first time forbidden to strike any female slave ; that this class is allowed by all to be the most prone to give offence, and that it will become even more difficult than at present to restrain them, from the knowledge that their master cannot punish them as he was accustomed to do, Your Lordship will, I think, be disposed to make some allowance for the infirmities of human nature, and at least save the family of the offender from that ruin which might fall upon them in consequence of an intemperate action of his own.”

In concluding his Despatch, Sir Ralph expressed the hope “that as the Colony is made the subject of an experiment, and the planters and proprietors of slaves are exposed to all the risk attendant upon the trial of an uncertain measure, His Majesty would be advised to afford some boon in the shape of special bounty to the produce of the Colony that may act as an encouragement to the planters to cheerfully co-operate in a measure which they now feel exposes to danger and to risk the property of themselves and of their children.”

On the 24th of May the Order in Council was formally proclaimed and was to be in force one month after the date of Proclamation, *i.e.*, on the 25th of June. In the same issue of the *Gazette* in which this Proclamation was published, the following notice appeared:—

“Copy of a Minute of the Illustrious Board of Cabildo, dated 24th May, 1824.

At a meeting of the Board of Cabildo held this day at 11 o'clock, a.m.

Present :

His Honour the First Alcalde.
 " " Second Alcalde.
 Messrs. Wm. Roberts.
 " J. C. Newbold.
 " Seb. Cipriani.
 " Geo. Sherlock.
 " Jno. Edmonson.
 " Nicholas Marache.
 " Louis Lefer.

His Honour the First Alcalde acquainted the Board that he had considered it necessary to summon a meeting of the members at an earlier hour than usual for the purpose of laying before them the reply received from His Excellency the Governor to their communication to him of the 17th instant on the subject of the new Order in Council regarding the treatment of the slaves in this Colony.

And His Excellency's reply being then read, was ordered to be entered upon the Minutes of the Board, the members expressing their deep regret that the special commands that His Excellency had received from His Majesty's Government should have prevented his complying with the prayer of their address to suspend the promulgation of the Royal Order in Council until their humble supplication could be laid at the foot of the Throne of His Most Gracious Majesty : the Board, notwithstanding, being still of opinion, that the provisions of the Order if promulgated would be attended with injurious consequences to the inhabitants of this Colony.

The Board are also of opinion that their address to His Excellency and His Excellency's reply should be published in the Colonial Gazette for the information of this community together with their minute on the subject.

HENRY MURRAY,
Dep. Sec. Cabildo.

After the publication of the Order in Council, Sir Ralph Woodford again addressed Lord Bathurst upon the subject*.

On the 24th June, Lord Bathurst replied to the Governor's despatch of the 7th May. He stated it to be the determination of the Govern-

* He enclosed copies of the Petition referred to at p. 169, and of a correspondence between himself and the members of a deputation from the Public Meeting which he had refused to receive, as well as the address of the Cabildo and his reply thereto. He mentioned also some further objections to the Order which had not been raised when he had penned his previous despatch.

ment to interdict all labour by slaves on Sundays except such as they (the slaves) might voluntarily perform on their own provision grounds. The 11th Clause, he explained was intended to prevent "immediate" compulsion, *i.e.*, that the slaves were not to be goaded to work by fear of the direct administration of the whip. With regard to the much dreaded 42nd Clause, Lord Bathurst after observing that the forfeiture was by the terms of the Order in Council left to the discretion of the Court, went on to say : "In order, however, to allay any apprehensions which may be entertained of a harsh exercise of this enactment, I have to direct that the penalty on the second conviction shall never be enforced, until the whole case has been referred home for the consideration of His Majesty."

In another despatch of the 14th July, Lord Bathurst pointed out that the cessation of labour from Saturday evening at sun set until Monday morning at sun rise was not to apply to domestic slaves, nor to watchmen or slaves employed in the maintenance of the Public Peace, or for the security or preservation of any public or private property. After dealing with some of the other objections which had been advanced, Lord Bathurst thus concluded his despatch :—

"The last objection which has been suggested to the Order appears to be founded on an apprehension of the consequences of the combined operation of the Order in question with that of the Order in Council of the 5th August, 1822. It is assumed that the present Order will create alarm, and depreciate the value of property in the Colony ; and that it will thence follow that the mortgagees will take immediate measures to sell the mortgaged Estates, which under that Ordinance they can effect with the delay of only three months. Now, even if the apprehensions which have been expressed by the Council were admitted to be well founded, or in other words if it were granted that the tendency of the recent Order would be to create alarm and depreciate the value of Estates, the apprehended consequences of a ruinous sale would not ensue.

The Order of the 5th of August, 1822, expressly allows the Courts to postpone sales of mortgaged Estates, when circumstances may render such postponement just and equitable ; and I understand that in the Courts of Equity in this country, it has been considered that a temporary depreciation of property, arising out of political circumstances, affords sufficient cause for postponing the foreclosure of Mortgages."

I have, &c., &c.,

BATHURST.

It was a favourite argument of the opponents of the Order in Council that in its results it would injure the slaves themselves whose condition it proposed to ameliorate. They contended that the absolute dependence of the slave upon his master had created a feeling of affection which would rapidly disappear under a law which intermeddled with the minutest details of the relations hitherto existing between them. There was not much force in this argument or indeed in any that were put forward by the slave owners, save that upon which they based their claim for compensation. But now that more than fifty years have passed and the angry feelings excited at the time have died out it will probably be conceded that a great deal more can be urged on behalf of the planters than the most moderate of their opponents would then have dared to admit.

No one it is to be hoped would now venture to uphold slavery as an institution and it would be not only useless but mischievous to recall the various phases of the long and bitter contest which ended in the crowning victory of Negro Emancipation. It is, however, but common fairness to the many worthy men who conscientiously opposed the Order in Council of March, 1824, to state the exact position in which they were placed by this Act of the Imperial Government, and especially in Trinidad.

The planters there, as indeed throughout the West Indies generally, were the principal slave owners and were therefore the most directly affected by the proposed Order. Without slaves it was impossible for them to work their estates, and by the existing law these could be resumed by the Crown if not kept in cultivation. It is not, therefore, surprizing that they should have looked with anxiety and alarm upon any legislation which directly or indirectly tended to alter the conditions under which their labourers worked, more especially as they were not for one moment deceived by the promises and fair words by which it was sought to blind them to the fact that once the Order in Council became law, Emancipation must inevitably follow. The slave owners, with some few exceptions, fully admitted that to treat a human being as a chattel, liable to be bought and sold like a horse or a mule, was an outrage on humanity and a disgrace to any Christian nation : " But," they said " the fault is not ours ; our slaves represent

the fortunes we have inherited or made, and of which you now propose to deprive us on the score of humanity."

It was also evident enough to them that the West India Question, as it was called, was made political capital of in England, and they not unnaturally objected to being used as a means (to their own serious detriment) of overturning one party or keeping in power another. The Order in Council they contended was a mere piece of party legislation introduced by the Government of the day to conciliate a formidable party, for as they pointed out, everything, or almost everything, it rendered obligatory was either provided for by the Law of the Colony or prescribed by long-established custom.

The truth is that there was only one, and that an all-sufficient argument against slavery and that was its utter violation of the rights of humanity, by which it degraded man to the level of a beast. The ill-treatment, the floggings, the brandings, chains, fetters, and all the rest were only the results (so far as they were true, and they were fearfully exaggerated) of the original evil, and as a mere matter of polemics the slave owners could, and did, retort upon the Anti-Slavery orators the notorious brutality existing in English work-houses, English factories, coal mines, salt mines, &c., &c.

If a speaker, too often a mere venal adventurer, could bring tears to the eyes of an English audience and gold to his own pockets by a high flown description (accompanied with illustrations) of the poor African slave being flogged through his daily task in the cane-piece by a white overseer (!) the West Indian planter might with far more truth have told that same audience to look, not across the Atlantic Ocean, but within a few miles of their own homes at white children, male and female, of tender years, harnessed like dogs to coal trucks, rarely seeing the light of day, beaten till limbs were broken and sometimes even to death, and to men and women who having survived long years of thankless toil found no refuge in their old age but the hideous prison peculiar to England called "The Workhouse," and even there were too often hurried to their miserable end by the brutality of the Parish Officials.

The planters, that is the old proprietors, also felt that now when their very existence was menaced they were once again being sacri-

ficed to the interests of those who for years had been steadily reaping the chief benefit of all their work—the British capitalists. Those who have studied the History of the British West Indies can have done so to but little purpose if they have not learned that in a greater or a less degree, according to circumstances, every Colony has been a field in which the planter has worked and lived, sometimes in comparative affluence, more frequently in genteel misery, but that under all circumstances the lion's share of whatever could be made from his estate went across the seas into the coffers of the British capitalist. So long as everything went well, with good prices and little competition to contend against, the planter was quite contented to shut his eyes to the fact that he was a mere tenant at will, as much a slave in a certain sense as his last field hand, but when the tide began to turn, and it was evident that the days of the old Colonial system were numbered, it disgusted the slave-owners to see in the foremost ranks of their opponents men whose very position had been gained for them by the labour of slaves, and in some instances by the lucky ventures of their fathers in the Guinea trade itself.

The Spanish Law had in Trinidad it is true protected to a certain extent the planters against the mortgagees, but as has been seen this was one of the points most dwelt upon by Mr. Marryat and his Committee of Landholders, and there can be no doubt that the dread of any change in the existing law helped to create the opposition to the Order in Council. The Spanish Law would not allow an estate to be brought to sale under an execution for any sum less than two-thirds of its appraised value and in order to secure to a planter such a credit with his supplier as would enable him to continue his cultivation during that period of the year when he would have no produce to sell, gave to the supplier the prior right of payment for such supplies out of the proceeds of the ensuing crop. This of course did not suit the British capitalist who was determined that the West Indian planter should be delivered bodily into his hands, and it will be seen in the course of this history how completely this result was eventually brought about.

The West Indian planters had certainly good grounds for astonishment at the manner in which they were being abandoned by the

Mother Country. Only eight years before, Mr. (afterwards Lord) Brougham had stated in the House of Commons (9th April, 1816) :

“The West India Colonies are of great importance in extending the manufactures and commerce of the Mother Country. It is difficult to find any engine more efficient for the purpose. Possessing them has occasioned a pouring in of wealth into this country much of which was employed in fertilizing the soil.”

When Brougham uttered these words he was fully aware of the fact that many of those he addressed owed their seats in that House to wealth and position attained by long years of profitable connexion with the West Indies and consequently with slave labour and the slave trade. It had, however, been determined that England was to be cleared of the stain of conniving at slavery, and the dirt was to be washed away at the expense of the Colonists, the gold, however, still remaining in English hands.

Before considering the position assumed by the English people on this occasion it may not be amiss to see what had previously been the attitude of England with regard to the question of slavery generally. It is a matter of history that the African Slave Trade had from an early period formed an important branch of English commerce. That “bright occidental star,” Queen Elizabeth, who, along with other thoroughly English qualities possessed a keen eye to business, had no scruple whatever about speculating (on her own account) in what was then known as the “Guinea Trade.” The same traffic in human cattle was openly encouraged during the reigns of the two first Princes of the House of Stuart. Cromwell only varied the custom by selling Irish boys and girls to the plantations to be worked with the negro slaves, and Dutch William, as a proof of his love for the country which had made him a King, not only declared the slave trade highly beneficial to English commerce, but took advantage of it to ship off hundreds of pestilent Scotch Jacobites to Barbados and the American Settlements. In 1713 an English Company, with the sanction of the Government, entered upon a Contract to supply the Spanish Colonies with 144,000 slaves at the rate of 4,800 per annum.

This was the country which after having reaped enormous wealth from an infamous traffic not only from its own Colonies but from

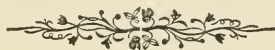
those of foreign States now sought to absolve itself from blame by commencing a crusade in favour of the slaves throughout the British possessions. This sudden awakening of the British Public to the horrors of Slavery was the more offensive to West Indian Colonists, because it was not forgotten that when in former years they had sought to better the condition of the slaves their efforts in that direction had been frustrated in the most decided manner by the Imperial Government.

In 1760, in South Carolina, then a British Colony, an Act was passed by the Provincial Assembly prohibiting on various grounds the further importation of slaves. This Act was of course submitted for the Royal approval; what was the result? It was disallowed, the Governor who had permitted its introduction was reprimanded, and instructions were sent to the Governors of all the slave Colonies cautioning them not to allow similar acts to be introduced in the Colonial Assemblies.

In 1744, the Assembly of Jamaica passed two Bills restricting and regulating the slave trade with that Colony. No sooner was this known than the merchants of Bristol and Liverpool took the alarm and petitioned the King's Ministers by whom the question was referred to the Board of Trade. The Report of the Board was unfavourable to the course taken by the Legislature of Jamaica and may be briefly summed up in the following words of the President, Lord Dartmouth: "We cannot allow the Colonies to check or discourage in any degree, a traffic so beneficial to the nation."

Many other instances could be cited to shew what had been the feeling and policy of the English people, and of the English Government with regard to the question of African Slavery until within a few years before the first efforts were made by Wilberforce and his colleagues to procure its abolition, and it is not strange that the colonists were both surprised and indignant at the change in both the one and the other. The grievance was common to all the West India Colonies, but the planters of Trinidad claimed to have special grounds of complaint on account of the peculiar tenures under which they held their lands, as well as of the obligation entered into by the British Government at the time of the Capitulation to respect and

maintain all then existing rights. It had also been admitted by the Ministers that the Order in Council had been in the first instance limited in Trinidad to an essay, the political status of the Colony affording peculiar facilities for experimental legislation. This was no doubt very convenient for the Ministers, but the colonists of Trinidad cannot be blamed for strongly objecting to be treated as mere lay figures upon which new Colonial systems were to be tried on and fitted.





CHAPTER XIII.

THE obnoxious Order in Council had now been in operation for some time, and the results certainly were very far indeed from proving the wisdom of the measure. On the contrary, the occurrences of almost every day pointed to the conclusion that were it persisted in, the worst fears of its opponents would be realized.

The Courts of Law were constantly occupied in hearing cases arising from disputes amongst the slaves, or of insubordination on their part towards their owners, and it not unfrequently occurred that decayed families whose sole means of existence consisted in the profits arising from the labour of the one or two domestic slaves they had inherited, found their bread-winners suddenly taken from them to undergo a term of imprisonment under sentence of a Court.

The following article which appeared in the *Trinidad Gazette*, and which, if not actually written by Mr. Burnley, fully expressed his feelings, explains in very clear terms the sentiments of the planters at the time :—

. “In estimating the effects of the experiment, for the subject of which, so unfortunately for ourselves, we have been selected, some small knowledge of the previous state of the body upon which it has been tried, might be considered advantageous. Mr. Canning, in his eulogistic oration upon the Order in Council for the Amelioration of the Slaves of Trinidad (so named we presume as *lucus a non lucendo*) was particularly cautious in impressing on the minds of his hearers, that this measure was intended not as an experiment, but as an example. He feared, not unreasonably, that any body of men might be alarmed at the idea of their lives and properties being made the subject of an experiment : had he been aware how completely we have been habituated to be operated on in this way, he would no doubt have considered the precaution as wholly unnecessary. From the time that this Island became a British dependency, its inhabitants have been subjected to a constant series of experiments until, as the cook said of the eels she was skinning,

we are pretty well "used to it." Government, Laws, Judges, Tenures, Securities, and Courts of Justice, have been constantly involved in the rapid whirl of innovation, until it has become a matter of dispute what Tribunals are in existence, and what system of Law their decisions are regulated by. In the meantime our roads improve, our taxes increase, our credit is lost, our church is built, our planters are ruined, our public officers make fortunes, and our merchants make cessions of property with all imaginable regularity and decorum.

In this state of things it could hardly be expected that any new measures which our Government might be resolved to enforce would create a great or extraordinary public sensation. A large proportion of our community are foreigners and, "*je suis étranger, que voulez vous que je fasse?*" was usually considered as a sufficient reason for implicit submission to the lawful or unlawful exercise of authority. Even among free-born Britons a grumbling and reluctant acquiescence in the claims of undefined, and perhaps, unlimited power was generally deemed preferable to useless remonstrance or unavailing opposition. When, therefore, on the promulgation of the Order in Council respecting Slaves, we found the whole community standing forth to proclaim their conviction of the impolicy and injustice of the measures which were forced upon them, we considered this circumstance as the surest proof of the deep and earnest sincerity of the feeling from which it originated. Universal rebellion elsewhere would scarcely be a clearer indication of general opinion than a public remonstrance here. How just and well founded this opinion is, each day's experience tends to demonstrate in the fullest and clearest manner. When the Order in Council was first received here, there might have been a few who hoped that its results would not prove so destructive as was predicted. But, after one year's trial, we venture most confidently to assert that there will not be found in the Island one man who now pretends that its effects can possibly be beneficial either to the Master or to the Slave. This short period has been insufficient to develop or even to enable us to calculate with certainty the amount of the ruinous consequences which these empirical experiments, affecting the vital principles by which society is formed and held together, must, if persisted in, ultimately produce. Even this limited space of time, however, has not passed away without effects which might make the rashest projector of visionary improvement pause in his headlong career. We will not appeal to the unanimous testimony of the Planters, because it may and it will be asserted, that their evidence is prejudiced or interested; but the rapid growth of crime among the lower classes, as demonstrated by the Returns from the Tribunals, the proofs of insubordination among the Slaves which are therein apparent, and the unprecedented depreciation of the value of landed property, speak a language which even hypocrisy itself cannot affect to disbelieve or misunderstand.

Such are the effects which the operation of the Order in Council for the Amelioration of the condition of the Slaves has already produced in Trinidad. Let it not be supposed that the provisions of this Order could be extended to the other Colonies without the certainty of results far more sudden and more disastrous. *Their* bodies have not as yet been

emaciated and enfeebled by a regular course of quackery ; *they* have not been electrified and galvanised till even the most powerful voltaic battery can produce a very trifling effect—their muscles are yet firm and their nerves full strung, and it is not improbable that the first application of this new animal magnetism may produce a convulsion which may prove fatal to the patient, and even the operator may not escape without a kick. We trust, however, that the approaching session of Parliament will shew that the British Ministry and the British Public have learnt to entertain a more just and correct view of their interests and of their duties. We have no hope that the anti-colonial party will ever desist from their attempts to subvert the foundations of our commercial prosperity. All the tongues of men and angels would never convince the East India proprietor that the West India Colonies ought not to be ruined, so long as he thinks that such a catastrophe would enable him to remit with greater advantage his accumulated spoils to his native country. The views of the Saints* are founded on the systematic submission of their reason to what they are pleased to consider a special revelation of the will of God to themselves or to their prophets. They would treat us as Medea did the aged father of her lord, first cut us to pieces in order that we might come out regenerated from their magic cauldron. These are the enemies however whom the Colonies have most to apprehend ; the artifices of interest and cunning are easily detected and exposed, but the enthusiasm even of folly is both infectious and epidemical. Whatever may be the result, we have no hesitation in saying, that if we put aside from our consideration the feelings of sympathy which every human being must feel for those who are dependent on him, and of indignation which will turn to resist unmerited opprobrium and injustice, the Planter is very far from being the party most interested in the decision of the Colonial question. Compensation to him must form the basis of every plan of emancipation ; his right is too clear to be defeated or disregarded. This compensation, however inadequate to his just expectation, will probably release him from an irksome employment, and restore him to his family and to his friends. But what shall repay the friendless negro for the withdrawing of that protection on which his comfort and happiness are dependent, what shall compensate him for the loss of the blessings of civilized society of which he must speedily be deprived. What shall restore to Great Britain the inestimable advantages which she derives from the Colonies which her imprudence seems inclined to throw away, or to render useless ; and what shall compensate her for the loss of the Empire of the seas, which with her proud superiority and her commercial greatness, must soon fall beneath the influence of a system directly opposed to every principle by adhering to which, her present unexampld prosperity has been attained and supported.

The strenuous and unceasing efforts of Mr. Burnley and his friends at last produced some effect. An Order in Council dated from Carlton House, 2nd of February, was published in Trinidad on the 14th

* The nickname given to Wilberforce and his followers.

April, which authorized the Court to stay the sale of the whole or any part of any estate against which execution had been issued, on the ground that such estate had, by the operation of political events, or occurrences of a public nature, become materially depreciated in value, if it should appear to the Court that such event or occurrence was beyond the control of the owner or owners of such estate, and that there was reasonable cause to believe that such depreciation would not be permanent, but would at some future time be wholly or partially removed. Such stay, however, was not to exceed the term of six calendar months at any one time, or of two years in the whole by any successive Orders.

The publication of this Order gave but one more instance of the vacillating policy of the Government, and the measure was discussed in a very able article in the *Trinidad Gazette* of the 20th April, the following extracts from which will not be without interest :—

“The history of the Judicial System by which this Colony has been governed since March, 1797, affords a melancholy but instructive lesson of the effects to be expected, when the seat of legislation is four thousand miles from the community for whose wants, interests, and happiness the Laws are intended to provide.

We cannot, nor is it necessary now, enter into a minute detail of the various changes by which this system has been gradually so metamorphosed, that it is at last neither Spanish nor English, nor like anything else on the face of the globe. Suffice it to say that hardly an Order has been promulgated or a Commission issued by His Majesty's Ministers, but has of necessity contained a frank admission of all the evils resulting from the preceding measures which they had either tolerated, supported, or established. These changes have followed each other in phantasmagoric succession; we have had Alcaldes, Chief Judges, and Oydors; Courts of Consulado, Intendants, and Royal Audiencias: sometimes governed by one Form or Schedule, sometimes by another; sometimes connected with, sometimes disjointed from, the Executive; sometimes the greater part of them wholly suspended, exhibiting a virtual interregnum of all law and justice.

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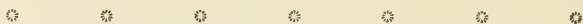
That we have sketched this part of our subject with no invidious pencil; that we have even thrown over it a *couleur de rose* must be readily admitted when we see that His Majesty's Ministers in the Royal Proclamation of the 5th August, 1822, felt themselves called upon publicly to declare, that a portion only of the system we have alluded to had “been found to be prejudicial to the interests and credit of the inhabitants of the said Island (Trinidad) and subversive of the good faith by which public faith can alone be supported.”

Unhappily this confession of incapacity, by which a British dependency has been kept for a quarter of a century in a state prejudicial to the interests of the inhabitants, created no misgivings in the quarter from which it proceeded on the contrary, increased confidence in their own power seems to have been the only result of events which in ordinary minds would have created distrust and hesitation ; for in nineteen months after this frank admission we find the memorable Order in Council regulating the treatment of our slaves ushered into the world with a pomp and solemnity which cannot fail to give it a durable fame, long after those who have had a hand in its formation will vainly wish it buried in eternal oblivion.

This Act professed nothing less than to change the moral character of a whole people ; to infuse European feelings and ideas into African races ; in fact, to efface those distinctive lines so deeply furrowed by nature on this chequered globe ; and to do all this by the force of penal clauses ! With the wisdom of such an attempt we have at present nothing to do ; but pledges were given at the time by the framers of that Act which are intimately connected with our present subject.

Let us now turn to the late Proclamation. A stranger unacquainted with our real situation will naturally inquire : What does it mean ? What is that hypothetical case of depreciated property which seems to constitute the essence of the Act ? What is that political event apprehended in a period of profound peace, and so injurious in its operation as to call for a new construction of the Act of August, 1822, hitherto so interpreted as to meet the only object for which it was intended, viz., the establishment of Public Credit ?

Unhappily we must reply, that the case is no hypothetical one ; that the depreciation in the value of property actually exists ; and that the political event which caused it is the same famous Slave Order of March, 1824, passed under a solemn pledge given to us by the Representatives of the whole British nation that its provisions should be “consistent with the well-being of the Colonies and a fair and equitable consideration of the state of property therein.”



His Majesty's Ministers are no doubt in possession of the minutest details Accurate lists from the tribunals of all judicial sales of property since June, 1824, accompanied by statements exhibiting the previous sales or estimates of the same properties have no doubt been carefully transmitted to them. To these papers we regret that we cannot have access ; we can only note a few of the cases. which have come to our ears.

The sales of the “Belle Vue” and “Mount Pleasant” estates in the Valley of Cuesa, and the “Cascade” estate in Diego Martin, struck us with dismay ; they brought considerably less, we believe, than half their original cost.

These estates, however, having been bought in by creditors, do not furnish so decisive a test by which to judge of the real depreciation in the value of property, as the sale of "La Puerta" estate which came fairly into the market and was subject to open competition before the doors of the Court.

It will hardly be credited in Barbados or Jamaica, that this estate, consisting of 1,000 acres of land—with a set of new works, boiling house, curing house and distillery, built of English brick and slated—a new steam-engine of six horse-power, a large and commodious house recently erected, with one hundred and fifteen head of cattle and mules and sixty-four slaves—within five miles of the Metropolis, and one mile of a shipping place, was sold for \$42,000, payable in seven years without interest ! The sale of the "Wellington" estate in the quarter of South Naparima before the doors of the Court, affords further data by which to judge of the depreciation of property in this Colony : this estate was sold in December, 1822, for \$43,200, and has quite recently been re-sold with the same number of slaves, but with seventeen additional mules worth \$2,500 for only \$12,000, payable in three years without interest !

Under such circumstances what is to become of the hopes of creditors ? What is to be the fate of families ? Every sale which has occurred, and we could fill our columns with them, shows the rapid abstraction of capital and consequent depreciation of property in this Island, since the promulgation of the "Slave Order."



The question now under consideration is the nature of the remedy to be applied to the evil. . . . The present Proclamation is tendered as a panacea : let us inquire into its merits and probable effects.

In considering this subject and indeed every other connected with property in the British West India Colonies, the following principle must never be lost sight of ; that the value of property entirely depends upon the amount of capital British merchants are inclined to favour us with ; which amount depends partially upon profits, but principally upon the confidence reposed in the stability of our resources. In this respect the Spanish Colonial System totally differed ; borrowed capital to any extent was unknown ; every proprietor purchased or established an estate by his own means ; the aid he required was trifling, frequently furnished by the Government in the loan of mules, cattle, and agricultural implements. To protect the Spanish planter against ruin arising from temporary accidents, he was fenced round with privileges ; his crops only were available for the payment of his debts, and they were preferentially pledged to the payment of the debt of supply ; but no creditor could bring an estate to sale until it was indebted in fully two-thirds of its value.

Such a system was certainly not calculated to excite the cupidity of a capitalist but there was nothing in it inconsistent with

good faith ; it was a fair arrangement between all parties ; no man lent his money but with the previous knowledge that he must be content with interest until it suited the borrower to return the capital ; he engaged in the contract with his eyes open, and if the consequences were ultimately inconvenient he had no right to complain. This system may have retarded what are usually termed improvements, but it forced nothing unnaturally beyond its level. The formation of a cocoa estate may have been the work of a life, but when completed it was a type of the habits and manners of those who cultivated it ; cool, calm, and peaceable. The master was the patriarchal head of a numerous family, not the toil-worn foreman of a gang of hurried slaves. And if in such a community public credit was little known or understood, private happiness was widely diffused and enjoyed.

Such was the system which the Order in Council of the 5th August, 1822, undertook to improve and amend. It was considered advisable to let in an increase of capital, and for this purpose it was declared to be "expedient to afford the same protection and facilities for the recovery of debts in the Island of Trinidad, that exist and have prevailed in the other Islands of the West Indies." All privileges of supply creditors and others were consequently repealed, and more particularly that privilege which opposed the sale of an estate for any sum in which it might be indebted.

This Proclamation was an invitation to the moneyed men in England to advance their capital on Trinidad Colonial securities, under a positive understanding that it could again be withdrawn at any time by the help of the same facilities "that exist and have prevailed in the other Islands in the West Indies." Since then an unexpected state of affairs has arisen from the "operation of a late political event ;" Capital has taken the alarm—the depreciated state of our properties exhibits the decreased confidence of moneyed men in the value of our securities ; and what is the remedy proposed ? To cancel those very inducements by which capitalists were enticed in August, 1822, to embark their funds in this Colony, and to restore in a certain degree to the planter that identical privilege which the same Proclamation acknowledged "to have obstructed and too much delayed the recovery of the demands of just creditors."

A few other considerations press themselves upon our attention. The original Spanish system was consistent ; it bore equally upon the different members of the community ; the planter being protected from the inconvenient and forced payment of his debts, the supply merchant was secured by a preferential lien upon the crops ; in consequence nothing necessary for the making of those crops was withheld, and although the sale of an Estate was stayed, it continued to be productive.

The artisans and workmen, the engineers and millwrights, the master carpenters and master masons, if they could not always procure prompt payment from the planter were at least preserved from ruin by the privilege which protected their houses, their slaves, and their working tools from being taken in execution.

All these privileges dependent upon and consistent with each other have been annulled, whilst the late Proclamation only partially restores the privilege of the planter. What is now to become of the supply merchant and the artizan, the fair and honest creditors of the planter when the sale of his property at their just suit is stayed?

. Unfortunately even the planter is excluded from the most distant hope of relief, for although our Legislators have considerably endowed the Chief Judge with the power of making orders "pending any action or process against an Estate, for the subsistence, clothing, and medical attendance of the slaves, and for the payment of the salaries of the managers and overseers," he cannot order a cog to be replaced in a single wheel—a cutlass or bill to reap the canes, or an ounce of temper lime to assist the process of crystallization"

The most curious feature of this article is the unconscious admission that however much the change of system introduced in 1822 had tended to benefit the capitalists of England, it certainly had not increased the happiness of the resident planters who the writer evidently alludes to as "foremen of gangs of hurried slaves."

True as were these strictures upon the vacillating and uncertain policy of the Ministry, the fact still remained that the days of slave labour in the British Colonys were numbered. Instead of vainly struggling against what everyone knew to be a fact, viz.: that the Government of the day was powerless to resist the daily increasing pressure brought to bear upon it by Wilberforce and his followers, it would have been well if those interested in the Colonies had endeavoured to find some substitute for what had hitherto been the basis of the Colonial System. Instead of this the abolitionists sought but one thing—the emancipation of the slaves—whilst the planters wasted their time in frantic efforts to retain their former position. If, instead of lashing themselves into a state of rabid antagonism, both parties had agreed to calmly discuss the question with the view of arriving at a solution which would allow of the greatest amount of good to the slaves with the least possible loss and injury to their owners, much ill-feeling would have been avoided and the ruin of whole Colonies would have been averted.

This unfortunately did not happen either in Trinidad or the other Slave Colonies, and the history of the period of emancipation was marked by mismanagement and blunders which were not at the time noticed because men's eyes were so dazzled by the brilliant

immediate result that they did not care to scrutinize too closely the means by which that result* was attained.†

* Emancipation.

† The following effusion which appeared in the *Trinidad Gazette* in June, 1825, is worth preserving, not for its merits as a piece of poetry, but as containing one of the many curious arguments for retaining what used to be known in the United States as the "Peculiar Institution :"—

THE AFRICAN AND CREOLE SLAVE CONTRASTED.

The son of Afric's savage coast regard,
His tatoo'd body, his high cheeks deep scar'd,
His lengthy jaw, his bilious eye of lead,
His acts of awkwardness, his heavy tread ;
His gait ungraceful, melancholy air,
His grotesque gesture, and incessant stare ;
His tongue unwieldy ; halting voice, whose sound
Mocks ev'ry language, does each word confound.
Next view, when dancing, his distorted mien,
View (if thy nerves admit it void of pain,)
His features, body, muscles, limbs, that try
With vile contortion to distress the eye ;
Mark, how when o'er him passion holds her sway,
His lineaments the Cannibal betray.

Whether he be of Moco's savage race,
Or Eboe's saddened looks o'ercloud his face,
Or sulky Beby, or Arada wild,
Or Coromantin's sanguinary child,
Or less fierce Widah, or Angola tall,
The traits enumerated suit them all.

His Creole offspring to inspect begin,
His form of symmetry and glossy skin,
A form whose mould full oft might not disgrace,
Thy master hand, Canova great, to trace.
Note his bold laugh, rapidity of talk,
His unembarrass'd, even graceful walk—
Oft I regret this stooping gait of mine,
And envy, Creole ! the firm step of thine.
His features mark—o'er which incessant play,
The laugh of carelessness, or smiles e'er gay :
What tho' those jolly lineaments declare,
There is no depth of thought or wisdom there.
That education ne'er refined each sense,
A happier gift is his—contented ignorance.

What tho' proud learning ne'er illumed his mind,
Yet, to him, Nature has been far more kind,
For she with cunning hath his judgment lit,
And given him humour and a ready wit.

What tho' light *Vestris* ne'er bestow'd his care
T'instruct his feet to quiver in the air,
Yet when arise the Drum and Shack-shack's notes,
And when the chorus singers strain their throats,
Then mixing grace, agility and ease,
His steps e'en European taste might please.

Contrast the form of Guinea's offspring wild,
With his less fierce, more happy, Creole child,
And then pronounce (but void of falsehood's wiles)
If the debasing bondage of these isles,
Or savage freedom of his native coast,
(If freedom e'er was his) degrade man most.
Black as the stigma is, that brands the fame,
And weds th' oppressor's with the Planter's name—
E'en at whose sounds, Hypocrisy her eyes
Upturns with pious horror to the skies,
Yet Planters rear a race which will aspire
With pity and contempt to view it's Afric sire.



CHAPTER XIV.

AS a matter of course the depreciation of property, whether it resulted from the effects of the Order in Council or from any other cause, led to a falling off in the Revenue and retarded any progress in extending or commencing works of public utility. It seriously checked the opening up of the Colony and the extension of cultivation which had been favourite schemes of Sir Ralph Woodford from the first days of his arrival. He was no friend of the narrow minded and short sighted policy which would divide the agricultural section of the Colony into two classes, and two classes only—masters (i.e., the owners of an estate or their representatives), and prædial labourers. It is indeed clear from his despatches and letters that had he been Governor of the Colony in the years immediately following emancipation he would at once have taken measures to locate the emancipated slaves in holdings of their own and thus taught them to take the first step on the new path opened to them.

One important work, however, he still pushed forward—the construction and upkeep of the roads. In those days these were made, and kept in repair under the *Corvée* system, i.e., by forced contribution of labour from each estate. Never a popular mode of road-making anywhere, this system was peculiarly distasteful to the planters in Trinidad, where from the peculiar nature of the soil, road-making is in most parts of the country extremely difficult. Another very natural objection was due to the fact that the best time for road-making was also the very busiest time of the year when both carts and labourers were fully employed in taking off the crop. Of course Sir Ralph was well aware of this, but he saw the absolute necessity of subordinating private to public interests and consulting the future good of the Colony rather than the present interests of individuals. At

the same time he felt that something should be done to relieve the planters of so irksome a duty, and towards the end of 1826 he addressed the following Message to the Council :—

“The Governor can no longer delay representing to the Council the necessity for making more effectual provision for the repair of the High Roads and Roads of communication throughout the Colony which are almost everywhere neglected so far as regards repairs requiring any labour or trouble. He has upon several occasions renewed to the Council his suggestions of the 18th March, 1819, that the system of tolls should be resorted to, and he is convinced that it can only be by the adoption of money payments in commutation of the present statute labour that good roads can be secured.

It is well known to the Council that in the earlier part of his administration the Governor personally bestowed his attention to the formation and repair of the roads; he was afterwards ably seconded by a Committee of this Board, and the result was a better and cheaper transit through those districts to which their attention was given. In other parts the Commandants on whom the care of the roads in general devolves, were in general active and the same advantages followed. He had hoped that these results would have induced such a desire among the planters as would have led to a permanent improvement of the roads, but he sees with regret that they are in much worse order than before, and although he believes some of the planters to be impressed with a sense of the advantages that would accrue to themselves from the maintenance of roads of easy draught, now rendered more important to them by the increased cost of cattle, yet that the repairs are far from being made with that care which the great thoroughfares require, is sufficiently evident from the present almost impassable state of the main communication with the Eastern quarters.

The Governor cannot think, in a matter which affects the whole community, that system a fit one to be maintained which leaves to individuals the option of performing a task or being fined for the non-performance of it, and in which the payment of the fine does not carry with it the immediate performance of the work. It ought to be out of the power of any individual to become the means of so much public inconvenience.

It is to be remembered that in the season at which the repairs of the roads can best be effected, the planter is engaged in his crop and that even when he does turn out on the roads the labour bestowed on them is negligently performed, and that however well disposed he may be to give the labour of his negroes, yet that the want of being accustomed to such labour as well as of proper tools with which to effect it, diminishes greatly the value of their services.

It does not appear to the Governor that the suggestion of appointing a Committee *ad hoc* so as to relieve the Commandants of the invidious task of fining their neighbours would be attended with the expected benefits. The Commandants might consider their prerogatives interfered with,

and, as was remarked to him by one of those officers, such a plan would not have the effect of repairing the roads which is the object to be attained. The excuses and subterfuges of the negligent are so various and the difficulty of even finding them is often so great that the Commandants are weary of the task.

Desirous, therefore, as he feels of seeing some mode established which in providing for the necessary object will not be dependent upon the personal exertions of any one individual, the Governor trusts that the members of the Council will consider the time to have arrived which was contemplated by their Minutes of the 6th April, 1820, and as the commutation of a money payment for statute labour is generally introduced into England, he hopes it may appear to them to be equally unobjectionable in Trinidad, particularly when he expresses his consent to leave the audit of the accounts in the hands of a Committee. He would indeed readily see them in charge of the administrative details in case they should be able to raise the money amongst themselves; at the same time he doubts the prudence of such a system, the planters having hitherto shewn such a flagrant neglect even of their own interests that it does not seem prudent to leave in their hands the execution of a plan in which the Public and the Government are so generally interested, which will require laborious care, and which if subjected to the neglect hitherto shewn might be exposed to the like result.

As the adoption of the alteration would only be an experiment it might be commenced with the roads east and west of Port-of-Spain, and if found to answer might then be progressively applied to such of the quarters where found most applicable.

The expenditure would be divided into :—

1. Placing each road in a proper state of repair.
2. Keeping it in the same state.

The worst part of the road to the east, and that demanding the most serious repairs, lies between Mme. Monereau's spring and the San Juan river; the Governor has obtained and annexes an estimate of the probable cost of improving the line of surface of this portion of the road as far as the ground will admit of the same, and of covering a width of 16 feet with a coat of solid material where the nature of the substratum of the soil requires it and of a thick coat of gravel for the rest of the road. The sum required for this portion of the road is about £5,500 for the first labour and afterwards about £1,000 annually; the distance is 5,648 yards. It is now divided into 26 portions varying from 50 to 800 yards, and the first expense would be not quite 20/- per yard.

It would, however, seem unreasonable to require those persons who now have charge of this district of road to bear the whole expense for although they are interested in it in proportion to their crops and the use they make of it, yet it is notorious that the road is principally cut up by the heavy cartage from the more distant quarters; the smaller proprietors indeed bring their produce by the rear or mountain road and do not use the high road.

It, therefore, appears that the expense should be borne by those who will receive the benefit, and who may be classed as follows :—

1. The planters who bring their produce to market by this road and use it for themselves and families.
2. The planters to whom that particular portion of road is now assigned and to which they give their statute labour.
3. The small settlers who are by law bound to give a fixed number of day's labour in the year to the repair of the highroad.
4. The Public in general.

It is but reasonable to suppose that the planters will find themselves repaid the cost of a toll in the saving of their cattle as,

3,000 Hhds. Sugar,

900 Puns. of Rum, and

20,000 Cwt. of Cacao traverse this road annually, and as the portion in question is the most laborious for the cattle the advantages of the improvement would be the more sensibly felt."

The rest of the Message consisted of details of the working of the proposed system, but the portions quoted are sufficient to shew that Sir Ralph Woodford, far from being, as was alleged, wedded to the old routine and opposed to any change, was on the contrary prepared to forestall events and to at once introduce measures in accordance with the impending changes. He adhered to the *Corvée* system as long as possible as one to which all were accustomed and which the law prescribed, but when circumstances combined to make that system impracticable he was the first to propose one more in accordance with the new ideas.

It was not only in connexion with roads that a new order of things was commencing. The whole policy of the administration was very different in 1826-7 to what it had been when, fourteen years before, Sir Ralph Woodford had assumed the Government. The first indication of that change had been the nomination of the Anglican Bishop to a seat in Council, and the apathy with which this act of aggression upon the political status of their Church had been received by the Catholic Body, naturally encouraged the rival Church to still further assert itself.

On the 19th of January, 1827, the Board of Council met for the transaction of business. There were present on that occasion :

His Excellency the Governor.

The Bishop of Barbados.

The Chief Judge.

The Hon. Dr. Llanos.

„ F. Peschier.

The principal object for which the Board had been convened was the consideration of a scheme proposed by the Bishop of Barbados for assimilating the position of the Anglican Church in Trinidad to that which it held in the other Colonies comprised within his Diocese.

Dr. Coleridge's plan had the double merit of simplicity and of being eminently practical. He proposed the appointment of a Rector for Port-of-Spain at a salary of £600 a year with the additional title of Bishop's Commissary, giving him authority over all the Anglican Clergy in the Island; that a Curate should be appointed to assist him, and that Trinity Church, the Rectory House and the lands thereto appertaining should be kept in repair and maintained at the expense of the Colony; finally, when more Churches were required throughout the Island that they should be built with aid from the State and maintained on similar conditions.

The Board adopted and approved this proposal as such, but declined to vote for it on the ground that the recent Orders in Council had been the cause of great expense to the Colony. In their extraordinary anxiety to lay every evil that might befall them to the account of the detested Order in Council, all classes, Protestant as well as Catholic, seem to have lost sight of the fact that these motions simply paved the way to establishing another State Church in Trinidad, and this in the face of the Articles of Capitulation and of the text of the Spanish Law which was still the Law of the land. If the British Party had seen on this occasion that it was their interest (if not their positive duty) to side with the capitulants and their descendants, they would have united with the latter to resist, at least for the moment, any attempt to interfere with what had been

the recognized law of the land for the thirty years during which the Colony had owned allegiance to the Sovereign of Great Britain. Undoubtedly, even had there been the most perfect union amongst all classes of the colonists, the final step, the Act of Emancipation, would not have been delayed by one single minute. The sun that rose on the morning of the 1st of August, 1830, shed its beneficent rays upon all the Slave Colonies of Great Britain at the same moment. Nevertheless, unity amongst the colonists of Trinidad might, and probably would, have strengthened their claim for compensation. In this, the modern English settlers were chiefly to blame for there can be no doubt that after the conquest and more particularly after the final cession of the Island their main object had been to assert and to arrive at a supremacy in the Colony, both socially, politically, and above all in matters ecclesiastical, and to accomplish this they sacrificed all chance of unity. In future chapters will be shewn the steps taken to establish this trifold position, but the formal recognition of Bishop Coleridge and his appointment to a seat in Council were the first and most significant proofs of the change of policy towards the Catholics of Trinidad on the part of the English Government.

The rest of the year 1827 was unmarked by any event of importance. The Minutes of Council for that period are filled with the details of lengthy discussions as to the manner in which the records of its meetings should be kept, the form in which the members should embody the expression of their opinion and other questions of a like nature—in all of which Mr. Burnley took a leading and an active part. These were matters of comparatively little importance, but their mere discussion shows how different were the relations between the Governor and his Council in 1827 to what they had been in 1813.

The year 1828 was destined to be a year of mourning for the Colony. On the 24th of March the Right Reverend Dr. Buckley, after a few days illness, died at his residence in Cumberland Street, universally and deeply regretted by the members of all classes and creeds.

The following article, which was published two days afterwards

in the Port-of-Spain *Gazette*, shews the feeling of the whole community :—

“ It is with the deepest regret that we perform the painful duty of recording the death of one of the greatest ornaments of Trinidad.

The Right Reverend Dr. Buckley, D.D., Bishop of Gerren, Vicar Apostolic of the British, Danish and West India Islands and Colonies, departed this life at eleven o'clock on Monday night last at his residence, Cumberland Street.

The grave has closed over his remains ; the amiable Dr. Buckley, the accomplished scholar, the pious Divine, the Lord Bishop of Gerren, is no more amongst us, and the mind alone still holds fast his noble image. Alas ! Who is he could do justice to the departed ? Can one single tongue speak the feeling of all hearts ?

The lamented Bishop had been ill only a few days, and died at the comparatively early age of 58. The coffin was last night deposited in the Hall of the Illustrious Cabildo, and was attended by the Alguazil Mayor and two of the Clergy from six o'clock this morning.”

On the 26th, at 4.30 p.m., the funeral procession was formed in the following order :—

Police Officers in cloaks to clear the way.

Six Acolytes.

The Cross.

58 children of the National School, corresponding to the years of the deceased, in black coats and hat bands.

The Master of the School in deep mourning in a black satin mantle and hat band.

The Alcaldes de Barrio in deep mourning, in short black mantles, and with their staves of office.

The Chief of Police in deep Mourning.

The Physician of the deceased.

The Officers of the Courts of Law.

The Captain of the Sea Fort.

The Registrar of Slaves.

The Comptroller of Customs.

The Collector.

The Harbour Master.

The Commissary of Population.

The Examiner of Invoices.

The Treasurer.

The Protestant Minister.

The Members of the Hermandad.

The Treasurer of the Illustrious Cabildo.

The Procurador Syndic of the Illustrious Cabildo.

The Regidores of the Illustrious Cabildo.

The Alcaldes in Ordinary.

The Governor's Assessor.
 The Alguazil Mayor and his Assistants.
 Two Chanters. Two Chanters.
 Thurifer. Thurifer.
 The Very Rev. the Vicar-General.
 The Mitre bearer. The The Crozier bearer.
 The Rev. Secretary. Hearse. The Sacristan Mayor.
 The Curé of Toco. The Curé of Arima.
 The Curé of St. Joseph. The Curé of Naparima.
 H. E. the Governor as Chief Mourner,
 in a long black Cloak with train bearers.
 Secretary. Assistant Secretary.
 Chief Judge. Judge of Criminal Inquiry
 Train bearer. Train bearer.
 Members of the Council.
 Officers of the Garrison.
 Militia and Staff.
 Deputy Clerk of the Council.
 Superintendent of Public Works.
 Alguazils.

The respect thus shown by every class of the community to the memory of Dr. Buckley mark the very high esteem in which he was universally held. As a politician he cannot be considered to have been successful. He allowed the position held by the Church of which he was the Chief Pastor to be undermined, and it was during his episcopate that the first open attempt was made to deprive the Roman Catholics of Trinidad of the political status which had been secured for them by the capitulation. He had, unfortunately, been trained in a School which had largely adopted those views of the relationship between Church and State which are commonly known as Gallican. He was a truly zealous Christian Bishop, and his faults of administration are to be attributed to the influence of the dark days in which his youth had been passed. He had seen one successor of St. Peter despoiled of his possessions and dying a prisoner in the hands of his despoilers, and another, after leaving the Eternal City to crown the modern Charlemagne, rewarded for this act of condescension by a long and humiliating imprisonment. In his youth he had seen the Penal Laws enforced in his own country, and his co-religionists oppressed, and treated as political pariahs for no other reason than that they adhered to the Faith of their Fathers; and the contrast with the state of things he found in Tri-

nidad was so great that it is not surprising that he failed to see the danger that lurked behind all the deference and courtesy shewn to him, or that if he saw it, he had not the courage to resist.

Three days after Dr. Buckley's funeral Sir Ralph Woodford, whose health had been failing for some time, announced to the Council that he intended taking a short cruize in H.M.S. *Slaney*, and that during his absence the Government of the Colony would be administered by Major Capadose, the Senior Officer in the Colony. He embarked on the 1st April, 1828, in weak health, but in excellent spirits, and fully confident that he would shortly return to his post with renewed strength and vigour.

Major Capadose did not long retain the Office of Administrator, being superseded by Sir Charles Smith of the Royal Engineers. Under his rule nothing of any moment occurred until early on the morning of the 23rd of July, a rumour spread through Port-of-Spain that Sir Ralph Woodford was dead. At first no one would believe the report, but in a short time all doubt was removed by the publication of the following letter, which had been just received by the Acting Governor:—

H.M.S. Packet *Duke of York*, off the Island of Hayti,
May 19th, 1828.

Lieut.-Colonel Sir CHARLES SMITH.

SIR,

Finding you placed in the situation to administer the Government, during the absence of Sir Ralph Woodford, of the Island of Trinidad, it becomes my painful duty to inform you that this lamented gentleman embarked from Jamaica in the Packet under my command for England on the 13th instant in so deplorable a state of illness or debility from its effects, as to leave me but little hope of his being able to make a climate that might give him some chance of recovery, though this seemed the only rock which his friends in Jamaica could build on; from the hour of embarkation to that of his death, which I have to announce to you, he never rallied but seemed to be gradually sinking until the 16th instant at 2 a.m. when he breathed his last, having been insensible the whole day before.

From the high and noble character of the deceased, and his well-earned popularity in Trinidad and at the request of his faithful servant, I enclosed his respected remains in a cask of spirits in the hope of being able to forward it to that Island where he was so loved, and to that Church built under his immediate eye: but the extreme heat of the climate has prevented me from having this melancholy pleasure of shew-

ing my respect for the inhabitants of Trinidad, but not until the Official Report of my Surgeon that five of my crew were ill from the effluvia from the corpse, did I this day reluctantly commit it to the deep.

You will be pleased, Sir, to make this unhappy event known to his family and friends ; assuring the former that no attention was spared on the part of my Surgeon and particularly by his faithful and affectionate domestic.

I have the honour to remain, Sir,

Your obedient humble servant,

ROBERT SNELL,

Commander of H.M.S. Packet *Duke of York*.

After communicating the contents of this letter to the public Sir Charles Smith directed that the Officers of the Government should wear mourning until the 31st August, an example followed by almost the whole population of the Island. The feeling of at least a very large section of the community may be gathered from the following article which appeared in the *Port-of-Spain Gazette* :—

“ Our number mourns—our heart sinks within us, as we try to perform that most painful duty of recording the death of Trinidad’s best friend, His Excellency Sir Ralph James Woodford. What could our poor words express ? That which is this day written on every countenance in Port-of-Spain speaks silent, inward, deepfelt, grief. A guardian spirit is gone whose name itself was associated with every better hope, and no smile is abroad to-day. The upright Judge, the indefatigable promoter of improvement—the public ornament and the private gentleman and friend, is now no more ; can no more return. Although no tomb holds his remains, wherever the eye shall wander over Trinidad it will meet his monument ; as long as his name shall dwell on our lips his merits will be recorded in our breasts whilst the recollection of his services survives. . . . ”

The following eloquent tribute was paid to the memory of the late Governor by the Vicar-General, the Rev. Abbé LeGoff, from the pulpit of the Catholic Church of Port-of-Spain :—

“ Une nouvelle aussi mélancholique qu’affligeante est venue hier frapper d’étonnement et de douleur les habitans du Port d’Espagne. Il ne m’appartient point comme Ministre des autels de relever le merite de l’administration de Son Excellence Sir Ralph Woodford dont nous deplo-rons la mort : mais son nom retentira encore longtemps à la Trinidad, et on se le rappellera pour l’honorer, en mémoire du bien qu’il a fait dans cette Colonie. Mon devoir est de vous parler de la protection distinguée qu’il n’a cessé d’accorder à la Croyance Catholique de cette communauté.

Vous avez vu combien notre culte et ses augustes ceremonies ont été respectées par tous ceux qui l’entouraient et l’exemple édifiant qu’il leur

en donnait. Nonobstant qu'il fût de la Religion Protestante il savait avec impartialité apprécier et récompenser ceux de la Religion Catholique, en les choisissant sans distinction aux emplois dont il était le dispensateur.

Aussi, sous son Gouvernement les particuliers des deux Religions ont vécu comme des frères, se respectant mutuellement, et jamais aucune discussion répréhensible n'est venue troubler l'ordre ni offrir un scandale sur la différence du culte ; et cette union est telle que ce n'est encore que le jour dédié au repos par nos saints commandements que l'on peut distinguer ou chacun va faire ses prières.

Son Excellence était appelé en Angleterre pour des motifs supérieurs et dans les vues du gouvernement de Sa Majesté.

Je me félicitais en mon particulier de ce qu'il pouvait par cette circonstance, en rendant témoignage des fidèles Catholiques du Port d'Espagne contribuer à procurer des lumières pour le sort de plusieurs millions de Catholiques. En démontrant aux Protestants timorés qui craignent d'admettre avec eux les Catholiques Anglais de la Métropole, l'union et la concorde qui règne à la Trinidad entre les deux croyances, sans doute qu'il eût contribué à lever des scrupules que les évènements passés ont pu laisser encore.

C'est à Son Excellence Sir Ralph Woodford que nous devons le bienfait d'avoir obtenu pour cette ville la dignité épiscopale ; c'est par son intervention que Sa Sainteté nous a accordé cette éminente faveur ; et à peine le digne autant que respectable Dr. James Buckley parût que notre non moins digne Gouverneur se déclare son protecteur et s'en-fit un ami.

Cette honorable intimité s'est soutenue depuis le premier instant, qu'ils se connaissaient jusqu'au moment où la mort vint cruellement les séparer.

Qui n'a pas été témoin à cette époque de la douleur et des regrets que manifesta Sir Ralph Woodford. Nous avons vu les honneurs qu'il fit rendre aux restes mortels de ce bon prélat et la pompe douloureuse à laquelle il paya le tribut sincère de sa présence et de ses larmes.

Me trouvant par les circonstances deux fois appelé à la direction supérieure de l'Eglise Catholique de cette Colonie j'ai pu juger mieux que personne de la bienveillance qu'il lui portait ; les égards qu'il daignait me manifester et que j'ai attribué à mon ministère bien plus qu'à moi même. C'est à lui que nous devons cet édifice qui s'élevé non loin d'ici, pour y offrir nos prières solennelles, et auquel depuis deux ans il a consacré des sommes considérables.

St. Joseph, Toco, Savana Grande lui doivent des églises édifiées ou réparées. C'est ainsi que sa généreuse impartialité et son respect pour la religion lui inspira la noble intention de protéger autant le culte Catholique que celui des Protestants.

Nos Catéchismes ont été imprimés par ses soins, nos réclamations n'ont jamais été repoussées et nos besoins comme ceux des pauvres ont toujours été entendus. Mais il n'est plus ! il a suivi de près son ami notre vénérable directeur spirituel. Que l'affliction légitime que nous éprouvons se manifeste par nos prières et par le deuil, triste mais juste hommage que nous devons à la mémoire d'un bienfaiteur.

Quel exemple de la fragilité humaine ! et quelle leçon pour nous tous ! Dans deux mois nos deux chefs éminents en vertu et en pouvoir ont payé le tribut imposé à la nature humaine.”

Sermons equally eulogistic were preached in the Anglican and Wesleyan Churches and in every parish in the Island.

The following notice appeared in the *Naval and Military Gazette* of September, 1828 :—

“THE LATE SIR RALPH WOODFORD, BART., GOVERNOR OF TRINIDAD.

The subject of this brief sketch died on the 16th of last May on his way home from the West Indies.

He had been many years Governor of Trinidad in which peculiarly difficult and important post his conduct gained him the confidence of the inhabitants and the respect of all those whose concerns brought them to the Island. The ardently expressed gratitude of his unfortunate countrymen who were cast upon his generous compassion by storms and other disasters during the struggles of the South American cause (which their gallantry aspired to join) has yet more established his character in the light of a true British Governor, and his name as such will long be remembered on that coast with reverence and affection.”

As soon as the death of Sir Ralph was known in Trinidad a public meeting was called with the view of taking steps to shew in some permanent manner the feelings of the community generally towards the late Governor.

There were thirty-one signatures attached to the notice convening that meeting, and as it has been often said that Sir Ralph Woodford was a partizan Governor, a list of the names with the nationality of each subscriber will probably be of interest.

The notice was first signed by the Judge of Criminal Inquiry, Mr. Lewis F. C. Johnston, an Englishman, and after him followed :—

The Hon. F. Llanos, D.C.L.	...	...	... Caracás.
„ Ant. Gomez	...Assessor to the Governor..	„	
Messrs. And. Watherston	...Merchant	...	... England.
„ Jos. Peschier	...Planter	...	... Trinidad.
The Hon. Henry Fuller	...Attorney-General		... England.
„ F. Peschier	...Planter	...	... Trinidad.
Messrs. Jos. Graham	...Merchant	...	... Scotland.
„ John Sanderson	...Barrister	...	... England.

Messrs. Henry Gloster	...Protector of Slaves	...	England.
„ John Corrie	...Merchant	...	Scotland.
„ H. N. Huggins	...Planter	...	Nevis.
„ Wm. Walkinshaw	...Merchant	...	England.
„ Geo. FitzWilliam	... „	...	„
„ Abraham Pinto	...Proprietor	...	America.
„ Vincent Patrice	...Planter	...	France.
„ F. Salazar	...Proprietor	...	Spain.
„ H. St. Hill	...Treasurer	...	Barbados.
„ Ramon Garcia, D.C.L.	...	...	Caracas.
„ And. Johnston	...Planter	...	Scotland.
„ Thos. Roxburgh	...Merchant	...	„
„ Wright Sherlock	... „	...	Ireland.
„ Jas. L. O'Connor, M.D.	...	...	„
„ Herbert Mackworth	...Deputy Marshal	...	England.
„ Ed. Murray	...Registrar of Slaves	...	Ireland.
„ Louis de Lapeyrouse	...Planter	...	Trinidad.
„ Geo. Armstrong	... „	...	England.
„ Chas. Peschier	... „	...	Trinidad.
„ E. B. Haley	...Merchant	...	Ireland.
„ John Thatcher	...Planter	...	Scotland.
„ Ant. Cumming	...Merchant	...	„

It cannot escape notice that on this list, with but very few exceptions the names of the old settlers do not appear. Those of Farfan, de Creny, Mayan, Giuseppi, Cipriani, de Gannes, de Verteuil, &c, &c., are conspicuous by their absence, and this is the more remarkable because during the whole of his administration Sir Ralph Woodford always shewed a marked partiality for the representatives of the old Spanish and French families. It is probable that the growing feeling of distrust of the English party and the disastrous results of the Order in Council had more or less to do with this abstention. It is, however, certain that it is among the descendants of these very families that the memory of Sir Ralph Woodford and the tradition of his untiring energy in working for the Colony are to this day kept alive.

The meeting which was thus convened was very fully attended, Judge Johnson who was in the chair, after having with much feeling

alluded to the melancholy event which had rendered the meeting necessary, said :—

“ My purpose is not, on so sacred an occasion to enumerate in detailed eulogy the many acts of enlightened policy, of substantial benefit and of enlarged benevolence, which marked the administration of this Colony by its departed friend and benefactor Sir Ralph Woodford ; an administration as unprecedented I believe in duration as it was pure in high minded integrity and objects.

These facts, Gentlemen. force themselves upon your attention in the state and character of your Revenue, in the appearance and efficiency of your Militia ; in the security of person and property, in the establishment and order of your tribunals ; in the regular and open administration of Justice ; in the formation, cleanliness and condition of the streets, buildings and markets of your metropolis ; in the solid establishment and improvement of your High Roads ; in the regulation and maintenance of your Public Prison ; in the institution of your Public Schools ; in the structure and decorum of your Churches—all silent witnesses far more impressive than would be the feeble utterances of my tongue.

Sufficiently, however, as they may proclaim the merits of their author, powerfully as they may appeal to your sense of justice, yet if no knowledge of them had ever existed, still there would have been left for me, one ground, and the highest perhaps, to justify the object it is my serious wish to promote ; I need scarcely tell you, Gentlemen, that our gratitude and respect as husbands and fathers are due to our lamented Governor for the high moral character and consideration which by his sound example and refined conduct both public and private, he raised for and bequeathed to, this Colony.

I cannot doubt that the sense of that gratitude and that respect will be expressed in terms and in a manner suited to the excellence of him whose loss we deplore, whose worth we commemorate.”

The meeting was also addressed by Mr. Fuller, who proposed and carried a series of resolutions expressive of the appreciation in which the virtues and talents of the late Governor were held by the community and of the great loss which the Colony had sustained by his death. A list was then opened for subscriptions to defray the expense of erecting a suitable monument to his memory, nearly £1,500 being subscribed on the spot.

This meeting was not the only public expression of the feelings of the community. Government House and all Public Offices were closed for a week, none but the most pressing business being transacted during that period, and even a longer period of mourning was observed by the great majority of the population.

The Committee appointed by the subscribers to the Memorial Fund finally decided upon erecting a monument to the memory of the deceased in each of the principal churches of Port-of-Spain, a plan which met with general approval.

On the interior of the south wall of Trinity Cathedral there is a full sized semi-recumbent figure in marble of Sir Ralph Woodford by Chantrey, and underneath it is the following inscription :—

TO THE MEMORY OF

SIR RALPH JAMES WOODFORD, BARONET,

For fifteen years Governor of this Colony, and Founder of this Church, who was born on the 21st July, 1784, and died on the 16th May, 1828.

THE INHABITANTS OF TRINIDAD

Deeply sensible of the substantial benefits

Which his long administration of the Government conferred upon the Colony,

And of the irreparable loss which they sustained by his death,

Have caused this monument to be erected,

As a lasting memorial of his many public and private virtues,

And of their respect and gratitude.

A smaller monument consisting of his bust *en medaillon* is to be seen in the Lady Chapel of the Roman Catholic Cathedral.

Shortly after the news of his death reached Trinidad, a letter appeared in one of the local papers, the following extract from which may be considered as a fair and impartial estimate of Sir Ralph Woodford's character :—

“ It may be urged by some that many acts of Sir Ralph Woodford's administration were marked by harsh and arbitrary caprice. To such persons I beg leave to say “Pity his frailties and lament his end.” He gave to Trinidad stability at home and respectability abroad, and created a confidence in the security of the creditor highly beneficial and indispensable to commercial and agricultural prosperity.

His embellishment of the Town, his efficient system of Police, his judicial integrity, his strict morality and rigid virtue, which afforded a bright example to the rising generation were qualities which may indeed be possessed by a successor, but which we can scarcely even hope to ever see surpassed. Of Sir Ralph Woodford's private acts it is unnecessary here to speak. That he had ‘a hand open as day to melting charity,’ and that his private benevolence was equal to his public splendour is well known to those who in the hour of misfortune have been relieved by his generous bounty.”

AN OBSERVER.

Twenty years later the period of his administration was thus described by one whose rough sketches of events and individuals in Trinidad have been more than once quoted :—

“ Then came the Viceroy Woodford, possessing a handsome person, agreeable manners, great energy ; none could have become more popular, none eventually became less so ; beginning his reign with unnecessary rigour, he forced the hitherto lazy planters to repair their roads regardless of seasons, laid on with unsparing hand heavy taxes ; appointed numerous public officers with large salaries, several nominated after a thorough knowledge of their disgusting servility, many as insolent as useless ; the Council was dismissed, another selected. Yet, the man's port, his agreeable parties, together with his uncommon attention to the Militia (he re-armed and re-clothed them, often reviewed them, allowing none but efficient and respectable men to hold Commissions) together with numerous attractive qualities as a ruler rendered him popular. In an evil hour and in the plenitude of power, he unmercifully ripped up the titles to land of every man, woman and child, since the discovery by Columbus.

Officina (the Colonial Office) never slack when mischief could affect West Indians, with Lord Bathurst at its head, fiercely backed him—*vide* the Proclamation of 1815 that made every landholder tremble. Our friend St. Hilaire Bégorrat (like Cocles on the bridge) alone opposed him ; he was not long solitary ; a few choice spirits rallied round their leader ; he carried with him the hearts of the oppressed, and after a contest longer than the Trojan War (although backed by Downing Street and even Royal approbation) Trinidad beat them fairly out of the field. Sir Ralph left on a special mission to Jamaica, and died ; had he returned he would have proved a blessing to Trinidad. He saw his errors at the eleventh hour. To this day his memory is respected. The contrast between the English Baronet and many of his contemptible successors (cringing Colonial Office hacks) added not a little to this feeling.”*

The death of Sir Ralph Woodford forms so marked an epoch in the History of Trinidad that it is necessary to pause and examine the condition of the Colony at that moment when it had been thirty years under British Rule, for the latter half of which period he had been its Governor.

The readiest mode of appreciating the progress made during that time will be a comparison of the statistics of the years 1799, 1809, 1819 and 1828, the year immediately preceding the death of Sir Ralph.

* Rambling reminiscences of an Island of Experiment.—*Port-of-Spain Gazette*, March, 1847.

The population of Trinidad in 1799 was thus classified :—

Whites	...	...	...	2,128
Coloured	...	...	...	4,594
Indians	...	...	...	1,143
Slaves	...	...	...	14,110
Total				21,975

Ten years later, in 1809 the figures were :

Whites	...	...	...	2,589
Coloured	...	...	...	6,384
Indians	...	...	...	1,647
Slaves	...	...	...	21,475
Total				32,095

1819.—

Whites	...	...	...	3,716
Coloured	...	...	...	12,485
Indians	...	...	...	850
Slaves	...	...	...	23,691
Total				40,742

1828.—

Whites	...	...	...	4,326
Coloured	...	...	...	16,412
Indians	...	...	...	727
Slaves	...	...	...	22,436
Aliens (unclassified)	...	...	...	5,820
Total				49,721

In 1799 there were in cultivation :—

	159	Sugar Estates.
	130	Coffee „
	6	Cacao „
	108	Cotton „
Producing	3800	hhds. Sugar.
	335,913	lbs. Coffee.
	258,390	„ Cocoa.
	323,415	„ Cotton.
	170,671	galls. Rum.
	142,636	„ Molasses.

There is no record of the number of estates in cultivation in 1809, but the following Return of produce shipped in that year proves that the cultivation of sugar and cacao had considerably increased, whilst coffee and cotton had fallen off. The exports were:—

Sugar	...	...	11,097 hhd.
Coffee	...	...	264,330 lbs.
Cacao	...	...	719,230 "
Cotton	...	...	134,190 "
Rum	...	...	539,081 galls.
Molasses	...	...	477,262 "

The total value of the imports and exports were:—

Imports.	Exports.
£328,512.	£579,719.

It must be remembered that in 1809 the Colony had not only received a severe blow by the fire which had destroyed Port-of-Spain, but was only just recovering from the utter ruin to which the Commission Government had reduced it.

In 1819 the exports were:—

Sugar	...	...	13,485 hhd.
Cacao	...	...	1,506,445 lbs.
Coffee	...	...	258,220 "
Cotton	...	...	131,990 "
Rum	...	...	554,626 "
Molasses	...	...	545,406 "

In 1828—

Sugar	28,653 hhd., 1,062 tierces, 8,994 brls.
Cacao	... 2,582,323 lbs.
Coffee	... 266,754 "
Cotton	... 148 bales, 2,915 seroons.
Rum	... 161 puns.
Molasses	... 10,722 puns., 303 tierces.

When Sir Ralph Woodford assumed the Government in 1813, he found about £150 in the Public Chest, and liabilities amounting to nearly £14,000; the trade of the Colony daily diminishing; the roads so few and bad that the planters were unable to bring their produce to market and were in consequence neglecting the cultivation of their estates; no efforts making to open up the Colony owing to

the refusal of the Imperial Government to alienate the Crown Lands ; the Public Buildings which had been destroyed in the recent fire only partially rebuilt, and the money voted by Parliament for their restoration squandered and wasted. Nor was this all : the deplorable differences between his predecessor and Judge Smith had deranged the whole machinery of Public Justice, and party spirit fomented by those differences was at the time of his arrival assuming a very ominous aspect.

Fifteen years later, he left the Colony in a high state of prosperity in spite of the evil times which were commencing for all the West Indian possessions. There was a flourishing and increasing trade ; good roads already made and others in the course of construction ; large tracts of new land in active cultivation ; the crops more than trebled ; new estates springing up in all directions ; the Public Buildings completed ; new Churches and the Church Establishments placed upon a suitable footing ; the Town of Port-of-Spain rebuilt and embellished ; the Administration of Justice and Police in efficient working order ; the Militia in a thorough state of discipline, and every department of the Public Service working satisfactorily and harmoniously together.

These facts cannot be denied and speak for themselves ; and, although Sir Ralph Woodford's administration was severely criticized and attacked both during his lifetime and after his death, these practical results will have more weight with those who yet reap the benefit of them than the disparaging remarks of men who either could not appreciate his worth as a ruler, or, which is more likely, who to their mortification had not been called to his counsels.

To say that he was not perfect is but to say that he was human and not exempt from the faults and failings inherent to human nature, but when it is remembered that at the early age of twenty-nine he was invested as Governor of Trinidad with virtually absolute powers, it is more a subject of surprize that he should have shewn so much moderation, tact, and prudence, in discharging the difficult and multifarious duties of his office, than that he should have occasionally acted with severity and even harshness.

At all events, it is not for the people of Trinidad to find fault with

Sir Ralph Woodford. He laid the foundations upon which any prosperity they have since enjoyed has been built up, and those of his successors who have aided in bringing the Colony to its present condition, as admittedly the most hopeful of all the West Indian possessions of the Crown, have done so exactly in proportion to the extent to which they have followed his example.

The remark has often been made by visitors to the Colony that the monuments to his memory should have been on a grander scale and in more conspicuous positions. This however, was not needed, for at every step the results are seen of the energetic administration of a Governor to whom may well be applied the words :

“ Si monumentum requiris, circumspice.”

NOTE.—As reference has been made in the text to the fact that the old Colonists as a body held aloof from the proposal to raise a Public Monument to the memory of Sir Ralph Woodford, some interest attaches to the following extract from the *Port-of-Spain Gazette* of July 22nd, 1829 :—

At a meeting of the Committee, appointed on the 9th August last, for the purpose of carrying into effect the Resolution of the inhabitants to erect a Monument, as a tribute of respect to the Memory of Sir Ralph James Woodford, Baronet, deceased, late Governor of this Island, held at the *Crown Hotel*, Chacon Street, on Tuesday the 7th instant, the Honorable Mr. Johnston in the Chair.

The Chairman having explained to the meeting, the reasons which had induced the delay in convening the Committee, stated that he was happy he had abstained from hurrying into completion the object for which the Committee was appointed ; not only for the reasons which he had submitted, but because the delay had enabled him to obtain the aid of the worthy successor of Sir Ralph Woodford towards their undertaking. He was proud to announce to the Committee, that His Excellency Major-General Grant, had liberally contributed to the furtherance of their goodly object, in a subscription of £50 sterling.

He was also happy to state that he had received a letter from their amiable and good Chief Justice, Mr. Warner, dated about the time the melancholy intelligence of the death of Sir Ralph Woodford had reached the Island, proposing the plan which the Committee, had properly, anticipated. He had also received a second letter from the worthy Judge upon the same subject :—

The proposal, transmitted in the first letter, was supported by a subscription of £50 sterling.

He, the Chairman, would have great pleasure in reading to the Committee, the heartfelt regret and respect which these letters breathed, on the unexpected and afflicting event.

He was further gratified in being able to inform the Committee of another subscription, which was rendered truly acceptable, by coming from the Officer who transmitted it, Lieutenant-Colonel Young who so long commanded the Troops in this Island, and administered the Government thereof, to the satisfaction of the inhabitants, during the absence of Sir Ralph Woodford in 1821 and 1822. The warm and just expressions of feeling and of respect for the loss of departed worth, which accompanied the transmission of a liberal subscription of £50 sterling from the gallant Colonel, induced him (the Chairman,) to read the letter conveying them. He would also trespass upon the Committee, with the reply, which, as their Chairman, he returned to this communication.

He had also to state, that being aware of the friendship which had subsisted between Mr. Goulburn, the Chancellor of the Exchequer, and their lamented Governor, he had ventured to transmit to the Right Honorable Gentleman, the *Gazette* containing the account of the proceedings at the Meeting of the inhabitants, on the 9th August last, on the melancholy event of the death of Sir Ralph Woodford, and was honored with an answer from Mr. Goulburn, which he would also read. He observed, that such a tribute, coming from so amiable and distinguished a character, must be truly satisfactory to the friends of Sir Ralph Woodford. He had further the pleasure to say, that he was informed the Right Honorable Gentleman and Mr. Gordon of the Colonial Office had kindly consented to form two of the Committee for managing in England the preparation of the Monument.

He begged to add, that he had been furnished with a List of Subscribers, in Great Britain, which he had much satisfaction in submitting to the Committee, who could not, he felt, too highly appreciate the handsome subscription, in £100 sterling of Messrs. Robert Eccles & Co., of Glasgow.

He could not but allude with much gratification to the subscription of Mr. M'Queen, the eloquent, able, and zealous advocate of the Colonies.

He trusted the Committee would authorize him to express its acknowledgment and sense of these subscriptions, and of the consent of the Chancellor of the Exchequer, and Mr. Gordon, as also of Sir Charles Flint, to become Members of the Managing Committee in England.

He begged to express his hope that measures would be adopted by the Meeting this day, for the early and full accomplishment of their object, and to offer a suggestion that a Cenotaph, to be erected in Trinity Church, seemed to be what was contemplated by the subscribers on the other side of the water. He took leave also to observe, that perhaps it might be considered well to add another Cenotaph, to be erected in the new Roman Catholic Church; both, the work of their deceased Patron and Founder, Sir Ralph Woodford.

He stated that the subscriptions before advertized, amounted to the sum of £1,407 2s. 8d. sterling; that those since added, including the sums subscribed in Great Britain, amounted to £740 17s. 9d. sterling; making together a total of £2,148 0s. 8d. sterling. He concluded by saying, that it remained for the Committee to determine upon the appropriation of this sum.

Mr. Gomez then informed the Committee, that he had sent to England the several designs executed by Mr. Bridgens, and that Sir Charles Flint had laid them before Mr. Chantrey, to whom Mr. Bridgens' talent was not unknown; that Mr. Chantrey approved of the designs, and would undertake the execution of such one of them as might be selected by the Committee; but that the cost of a Statue to be handsomely executed, would not be less than £2,500 sterling—that a couple of Cenotaphs (one for the Protestant and one for the Catholic Church) would cost something less, but that he was of opinion, and he hoped the Committee would be with him, that considering the eminent virtues, and the high qualities of the person whose Memory they wished to perpetuate, nothing inferior to a Monument, to be placed in the most conspicuous situation, should be resolved upon. Mr. Gomez concluded by moving that a Statue of Bronze be erected; and that the site for the same be the centre of Marine Square.

The Honorable Mr. Fuller seconded the motion.

The Honorable Mr. Johnston was of opinion that it would be more advisable to place a Cenotaph in each of the Churches, as, without reference to any other consideration, injury might be done, in this country, to a Monument of the sort proposed by Mr. Gomez if erected in an exposed situation, from accident or even from the effect of the climate, which, experience had taught them was passingly detrimental to what was ever witnessed in Europe, or probably in any other part of the world. He would therefore move as an amendment, that a Cenotaph, or Bust, (according to one of Mr. Bridgens' designs on the Table) be placed in each of the Churches, as he had before suggested.

He begged to add that Mr. Bridgens estimated the cost of each at £700 sterling, but allowing it to reach £1,000 sterling, the amount subscribed would meet the cost of both Cenotaphs, whereas it would not cover the supposed expense of the Statue.

The Honorable Dr. Llanos seconded the amendment.

The sense of the meeting being taken on the motion and the amendment, the motion was adopted.

The Chairman then moved, that the Right Honorable Mr. Goulburn, Chancellor of the Exchequer, Sir Charles Flint, Mr. Gordon of the Colonial Office, the Honorable Ashton Warner, and Mr. John Hammett, be requested to form themselves into a Managing Committee in London, for superintending the execution of the Monument.

Adopted.

The following motions were then successively made and adopted, viz. :

1. That the thanks of the Meeting be offered to the Right Honorable Mr. Goulburn, Sir Charles Flint, and Mr. Gordon for kindly offering to join a Managing Committee in London.
2. That the thanks of the Meeting be offered to the Gentlemen in Great Britain who have so liberally subscribed to the Monument.
3. That the Treasurer be requested to proceed in the collection of the subscriptions and that the whole amount be remitted to Messrs. Coutts, to be invested in Exchequer Bills and to be held at the disposal of the Managing Committee.
4. That the Treasurer be requested to continue to receive subscriptions; and the Commandants of Quarters, Clergy, and other Members of the Committee, be requested to continue their endeavours towards the promotion of the object of the Meeting, and to return to the Treasurer the names of the subscribers, and amount of the subscriptions received.

L. F. C. JOHNSTON,
Chairman.

PHILIP D. SOUPER,
Secretary.

The Chairman having retired, the thanks of the Meeting were voted to him for his able conduct in the Chair.

PHILIP D. SOUPER,
Secretary.

AMOUNT OF FORMER SUBSCRIPTIONS... £ Sterling .. 1,407 2 8

Subscriptions since made.

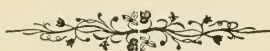
His Excellency Major-General Grant	...	50	0	0
Lient.-Col. Aretas William Young	...	50	0	0
W. E. Fitzgerald	...	5	0	0
L. Hartery	...	5	0	0
J. B. de Wiarmes	...	1	1	0
R. Padmore	...	1	1	0
S. Jennings	...	3	3	0
R. Bernard	...	6	18	8
A. Cross	...	2	2	0
Edward Shack	...	5	5	0
A. Anderson	...	1	1	0
E. B. Haly	...	10	0	0
Juste Maillan	...	3	0	0

William Hanley	...	... £ Sterling	...	5	5	0
William Roberts	...	...	...	10	0	0
Christian Gerold	...	...	...	10	0	0
John M'Martin & Co.	...	...	...	10	0	0
Pantin Brothers	...	...	...	10	0	0
Alexander Warden	...	...	...	10	0	0
John Marshall	...	..	..	3	3	0
William Jones	..	..	..	5	0	0
William Macomb	..	..	...	5	5	0
Michael Hughes	...	...	...	3	3	0
George Hicton	...	...	...	2	2	0
Alexis Flint	...	...	...	5	0	0
Jean Chabrier	...	...	...	3	0	0
Michael Joyce	...	...	...	5	0	0
John Cockerton	...	...	...	10	0	0
Colin Campbell	..	..	...	5	5	0
Dr. Raynaud	...	...	...	3	0	0
M. M. de La Sota	..	..	...	10	0	0
Henry Stone	...	...	...	3	3	0
J. W. Cordner	...	...	...	1	0	0
Lieutenant Mainwaring, R.N.	..	..	...	1	0	0
Rev. V. Tabaldo	...	...	...	5	0	0
— J. Messeguer	...	...	...	10	0	0
— S. Miguel	..	...	...	1	0	0
— — Cecilia	...	...	...	4	0	0
Henry James Mills	...	...	...	2	0	0
Francis Ward	..	...	...	1	0	0
James Bailey	...	..	..	3	3	0
Robert Constable	...	...	...	5	0	0
John Fuller	...	...	...	1	11	6
Amelia Fuller	...	...	...	1	11	6
W. H. Shepherd	...	...	...	1	15	0
Mrs. Jesse	...	...	...	5	0	0
James Taylor	...	...	...	10	0	0
G. H. Chritchlow	...	..	...	2	10	0
William Blythe	..	...	..	5	0	0
David Wallace	...	...	...	5	0	0
Alexander Cruickshank	...	...	...	2	2	0
Remy Rambert	...	...	...	2	0	0
William Carnthers	..	...	...	10	0	0
John Lindsay	...	...	..	3	0	0
John McCall	...	...	...	8	0	0
John Montgomerie	...	...	...	5	0	0
William Mitchell	...	...	...	10	0	0

John Lamont	...	... £ Sterling	...	40	0	0
John Thatcher	...	...	...	5	0	0
John Carter	...	...	...	10	10	0
William Meikleham	...	...	...	10	0	0
H. G. Peake	...	...	...	10	0	0
Abbé Alfonso, as Curate of St. Juan	...	...	...	6	0	0
————, as Curate of St. Joseph	...	...	...	4	0	0
David Hutchinson	...	...	...	5	0	0
Lieutenant Lamont, R.N.	...	...	...	5	0	0

Subscriptions in Great Britain.

Robert Eccles & Co.	...	...	100	0	0
Sir Charles Flint	...	...	10	0	0
Robert Edmonstone	...	..	50	0	0
Robert C. Crosbie	...	...	5	5	0
Thomas Aston, jun.	...	...	50	0	0
James Chapman	...	...	50	0	0
James Ellis, per late firm of Theodore Walrond and Ellis	...	... }	30	0	0
William Smith	...	..	10	0	0
Jasper Lyon	...	...	10	0	0
George Cole	..	...	15	0	0
James M'Queen	...	...	10	0	0
The free Natives of the Mandingo Nation (Africa) resident in Trinidad, by their Chiefs, Jonas Bath, Roman Teston, Charles Alexander, and Francois Fleury...	...	... }	11	5	0





CHAPTER XV.

IMMEDIATELY after the intelligence of Sir Ralph Woodford's death had been announced to the Council, Sir Charles Smith claimed to have become by that event Governor of the Colony, and called upon Mr. Burnley, the Senior Member present, to administer the oaths to him as such. To this Burnley objected, on the ground that there was no precedent for such a proceeding and that the oaths he had taken as Administrator were quite sufficient. Mr. Fuller the Attorney-General supported the view taken of the question by Mr. Burnley, but as Sir Charles Smith insisted the latter yielded and administered the oaths under protest.

The object of Sir Charles Smith was evidently to place himself in a position independent of military control, but in this he failed; a few days later, Colonel Farquharson of the 25th (King's Own Borderers) arrived from Demerara, and as his Senior Officer, assumed the Government of the Colony, in spite of Sir Charles Smith's vehement protests, which it may at once be stated were overruled at the Colonial Office.

The most important event which occurred during Colonel Farquharson's administration, was the receipt of a Despatch from Mr. Huskisson, then Secretary of State for the Colonies, relative to the Report made by the Commissioners upon the Land Question. This Despatch, addressed to Sir Ralph Woodford, was dated "Downing Street, 17th April, 1828," and after formally forwarding the Report, continued as follows:—

"In the history of this controversy which Mr. Dwarris has placed at the head of his Report, is to be found a *complete justification of the measures you adopted so far as your own personal responsibility may be in question.* The successive Proclamations of December, 1815,

November, 1816, and of 1st December, 1818, were approved by H.M. Government.

The general policy of these measures, if considered without reference to the difficulty of carrying them into execution, could hardly be disputed, and upon this subject the opinion of Mr. Dwarris appears entirely to coincide with your own. It is therefore gratifying to me to be able to state that the objections which have been made to the steps adopted by you in respect to the Grants in question are reduced to a legal controversy in which neither the soundness of your judgment nor the uprightness of your conduct are impeached.

The Report of Mr. Dwarris relieves me from the necessity of entering at length into a statement of the various circumstances of this case.

* * * * *

First then, with respect to Grants actually made by the ancient Spanish authorities which have neither been registered nor subsequently confirmed by any British Governor.

Cases of this kind are entitled to the most favourable and indulgent consideration. Mr. Dwarris indeed is of opinion that the title of these Grantees must be perfectly good and valid, and that consequently the relief they are seeking is a claim of positive right and not a suit for indulgence. In his Report the arguments in favour of this opinion and against it are very fully investigated. If it were necessary to pronounce a judgment upon the abstract question of Law, I might probably, in deference to the views entertained by yourself and the Attorney-General of Trinidad, think it right to avail myself of the assistance of the Law Officers of the Crown in forming my own decision. But it does not seem to me fit to test the determination of this question upon the narrow ground of strict legal right.

That there are not wanting arguments of great apparent weight in favour of the conclusion drawn by Mr. Dwarris will be sufficiently obvious upon a perusal of his Report; but even if that opinion be erroneous in point of Law, I concur with Mr. Dwarris in thinking that it is not convenient that the rights of the Crown should under all circumstances be enforced against this class of claimants.

The general object and effect of the Cedula of 1783 are fully explained in the Report of Mr. Dwarris, and without repeating his reasoning it is enough to say that I think it has sufficiently established the conclusion that it is contrary to the spirit of that document to impose upon these Grantees the condition of cultivation, with a forfeiture to the Crown as the penalty of a non-observance of that condition. I should be unwilling to advise His Majesty to engage in a legal controversy with persons of this class even if success were to be clearly anticipated, because I conceive that such a measure would be the assertion of an extreme right in opposition to substantial equity.

2nd. With respect to the cases of persons possessing Lands for which no Grants from the ancient Spanish authorities can be produced, but who

can shew that their property was marked out and surveyed by the proper Officers ;—

The pretensions of this class of claimants rest upon grounds less clear and strong than those of the former class. Indeed, if from the absence of Grants it could justly be inferred that the Grants had been advisedly withheld by the Spanish Government, a very serious objection would arise to the titles of this sort of proprietors. In that case it would be just to infer that the settlers had broken the conditions under which they were received in the Island, because it is of course presumed that the deliberate acts of the former Government proceeded upon just and adequate reasons.

But upon a full consideration of the subject I think there is not enough to justify such an inference. It is at least possible also that the Grants may have been lost or destroyed in the conflagration of the Town of Port-of-Spain. It is possible also that if the Books of Registry had not been removed to Madrid evidence might be found of such Grants having been made. How far these suppositions are consistent with probability it might be difficult to say, but in a question between His Majesty and His subjects where their immediate interest is so deeply concerned, I am disposed to advise His Majesty to give them the benefit of every suggestion which can with any plausibility be made to account for the defectiveness of their Titles. The remark of Mr. Dwarris upon this subject is entitled to great consideration ; for if, as he remarks, it was the habit of the Spanish Government never to resume Lands which had been once surveyed for an individual, the mere absence of Grants may be accounted for without resorting to the supposition that they were designedly withheld. The Grantees, relying upon the settled habit of the Government may have failed to procure their Grants from mere procrastination or poverty. You will perceive that there is sufficient proof that the payment of fees of Office may have caused a very serious obstacle to the completion of many of these Grants, since the settlers were in extreme poverty, and from the terms of the invitation of the Spanish Government must have been expected to be so.

With respect to the third class of cases, which is that of persons who without either a Grant or Survey have yet continued in possession of their Lands since the Capitulation ;—

These claimants are sub-divided into two classes : The first is that of persons whose possession has continued from time immemorial, and the second is that of persons who have a mere possession, the evidence of which is not carried back to the distance of forty years.

In these cases the question, if regarded exclusively as a question of Law would present difficulties which all the diligence of the Commissioners has not succeeded in effectually removing. The Spanish lawyers who were examined do not appear very clearly agreed which is the rule of prescription as between the King and his subjects claiming a Title to Land. Immemorial possession in the strict and absolute sense of the term seems indeed to be acknowledged as a valid title. But it might perhaps be difficult to rest any title upon that ground with reference to

Lands situate in a Colony which within a period comparatively recent was an unoccupied wilderness, and one in which the rights of the Crown must in theory be conceived to have been absolute and universal before the settlement of the Colony commenced.

The period of forty years is stated by one of the Judges to form a period of legal prescription even against the King ; but I perceive that this opinion is controverted by a gentleman of great practical knowledge of such subjects. Under these circumstances I should decline to act upon any opinion respecting the abstract question of Law without the advantage of further inquiry and professional assistance. But I am not disposed to rest the decision of these claims merely upon the legal title of these claimants. Whatever may be the absolute rule of Law, it is obvious that justice and sound policy require that persons who have long enjoyed the possession of property should be maintained in that possession unless when the disturbance of them would be compensated by some public advantage of great moment. The most recent of the Titles in question must now have continued for thirty years, and after such a lapse of time they could not be disputed without much greater injury both public and private than would be sustained by the confirmation of them. Under these circumstances I am commanded by His Majesty to signify to you his pleasure that the several Proclamations of December 1815, November 1816, December 1818. and May 1823, be revoked, and you will issue a Proclamation in His Majesty's name for that purpose.

But it will then remain to consider what regulations are to be substituted in the place of those which have hitherto been made

With reference to the first of the cases already mentioned which is that of persons holding Grants, it will be necessary to confirm them in their possession of the Lands described in such Grants.

The second class of claimants must also be confirmed in the possession of the Lands of which they can shew an uninterrupted possession since the Capitulation. It follows that no terms can be imposed upon which these Lands are to be holden, excepting the conditions subject to which they were expressly granted, or which by the general rules of Law attach upon all Lands in the Island. It appears highly convenient that a General Registration of all these Lands should take place in order to prevent all future controversy respecting the title of the occupiers and the extent of the uncaded territory of the Crown. The details of this measure must in the first instance be left to your own judgment assisted by your Council.

In framing the necessary rules upon that subject you will render the expenses and troubles of effecting the Registration as light as possible, consistently with the efficient and punctual execution of this duty. I should hope that the payment of a moderate fee would be the only unavoidable charge on the Grantees. The persons whose titles would be thus registered would probably desire to receive new Grants ; it would, therefore, be convenient to tender such Grants to them upon condition of subjecting their lands to a Quit Rent, which in the case of the two first classes would be nothing more than a nominal acknowledg-

ment that the Lands are holden from His Majesty. From the third class who have no other title but that of possession, a Quit Rent might, as proposed by Mr. Dwarris be required, not exceeding that which has been usually exacted from Grantees holding under Grants made directly by the British Governors; but it must be distinctly made known to all parties concerned, that the acceptance of these Grants is not to be compulsory, and that if they prefer to rest upon the mere Registration of their claims it will be in their option to do so. From the obligation of registering their claims, no person however should be exempted nor could there be any valid objection to enforcing compliance with this obligation by a pecuniary penalty.

With respect to those persons who have complied with the Proclamations and thereby become subject to a Quit Rent, it is manifestly reasonable that their situation for the future should be as favourable as that of those who omitted to avail themselves of the Proclamations. They must consequently be relieved for the future from all Quit Rents and other burthensome conditions from which other landholders are to be relieved.

The Commissioner recommends a still further concession and proposes that this class of persons should be indemnified at the Public expense for the loss they have incurred by complying with the terms of the Proclamations. This indemnity he would find partly in the appropriation for that purpose of the Quit Rents received hereafter and partly by additional Grants of Land.

Upon this part of the subject I cannot however furnish you with any instructions until I shall have learnt whether in your judgment any valid objection would arise to making compensation to those parties in the mode pointed out by Mr. Dwarris.

I have the honour to be,

Sir,

Your most obedient Servant,

W. HUSKISSON.

Sir R. J. WOODFORD, Bart.,

Governor of Trinidad.

The opponents of Sir Ralph Woodford have always pointed to this Despatch as a proof that the Home Government condemned his Land Policy, but a careful perusal of it will satisfy every impartial man that such is far from being the case, for the opening paragraphs distinctly approved of all Sir Ralph had done, and declared that the "question was reduced to a legal controversy in which neither the soundness of his judgment nor the uprightness of his conduct were impeached." It is true that the Proclamations were revoked and the

resumption of lands by the Crown discontinued, but a Registration of Titles was absolutely ordered, and this was what originally had caused the opposition to Sir Ralph Woodford's scheme, for the landholders, or at least the malcontents, would never have objected to a tax upon their lands so long as they were not required to shew *how they became possessed of them.*

After the foregoing Despatch had been read, Colonel Farquharson addressed the Board and pointed out the numerous and serious difficulties which would attend any attempt to carry it into execution.

In the first place he shewed the utter impossibility of compiling a perfect Registry of the old Spanish Grants, the greater portion of which were in a state of utter dilapidation from the combined effects of time and insects, and were in almost every case quite illegible.

With regard to the second class of claimants mentioned by the Secretary of State, *i.e.*, those whose lands, although they possessed no grant or survey, had been in their possession from time immemorial, he stated that it would be necessary to define the extent of land claimed by each so as to prevent fraud, and that to do this by actual survey would entail a heavy expense.

The third class (landholders under Grants from the British Governors) would, he observed be placed in a very peculiar and awkward position, if the Proclamation under which they held were revoked, and nothing substituted for it. Of this class there were several cases that required very particular consideration. As an instance, he stated that under the old Proclamations several tracts of uncultivated land had been resumed within late years and annexed to the Crown, and had afterwards been sub-divided between many holders under regular Grants. These individuals had cultivated their respective portions, erected dwelling houses thereon, and had given to them a positive value. Under the proposed Proclamation the original holders of these lands had an undoubted right to repossess them whilst the actual Grantees, who had expended their capital in their improvement would find themselves in a very uncomfortable predicament, inasmuch as there was nothing to prevent the original occupants appearing to register their claims, which would restore to them a valid title and thus place them at least upon an equal footing

as to the right in the property, with those who held under the faith of their former Royal Grants.

With reference to the indemnity suggested by Mr. Huskisson to those who under the Proclamations had paid the Quit Rents, Colonel Farquharson asked the Board to express an opinion as to whether it should be made by a money payment or partly in money and partly in additional Grants of Land.

The Board were unanimous in their opinion that Colonel Farquharson should submit the whole of the cases to the consideration of the Secretary of State in detail, and that no steps should be taken whatever with regard to the Registration of Grants and claims until the receipt of further instructions. With regard to the proposed indemnity they considered it should be a refund of all moneys paid, attaching as they did little or no value to additional Grants of Land.

Thus, after thirteen years of agitation, incessant correspondence, and an amount of angry feeling which considerably hampered Sir Ralph Woodford's administration, the Land Question was once again placed in exactly the same position as when he issued his first Proclamation of December 1815, and there was to all appearance but little probability of the question ever being definitely settled. We shall see in due course what further steps were taken and whether after all Sir Ralph's much abused plan was not at least as good as any attempted by his successors.

On the 10th March, 1829, Major-General Sir Lewis Grant who had been for some time Governor of the Bahamas was sworn in as Governor of the Colony, and in the following June a successor to Dr. Buckley arrived in the person of the Right Rev. Dr. McDonnell, Bishop of Olympus, who had been appointed Vicar-Apostolic of the Danish and British West India Islands by His Holiness Pope Leo XII.

Another proof was given about this time of the total change in the policy of the Government, by the publication of an Order of the King in Council, dated at Windsor 18th March, 1829,* which

* "Whereas, by certain Laws and Ordinances heretofore made, by or under the Authority of the Kings of Spain, before the Cession to His Majesty of the Island of

removed all disabilities, civil or military, from all free persons of African birth or descent. This very natural and proper Order was one which followed as a matter of course upon the previous measures taken to remove the disabilities of the free people of colour.

Unfortunately, the feeling of irritation on the part of the colonists, who saw clearly enough that the next step taken would be that of Emancipation, was such as to preclude them from viewing any action taken by the Home Government to alter the relative conditions between the races with anything save unmitigated aversion. Nor indeed can this be wondered at when it is remembered that although the Abolitionists professed to be actuated only by the very highest motives of philanthropy, colonists could not but feel that this philanthropy was being exercised at their expense, and would cause their inevitable ruin. Packet after packet arrived with the news that every day the Anti-Slavery movement was gaining ground, and bringing reports of speeches made all over England by men of note and ability, in which the West India Planters were held up to public scorn and execration, as monsters in human form, who, not satisfied with forcing their wretched slaves to toil from one year's end to the other, made it their delight to inflict upon them the most fearful punishments that human cruelty could invent.

The ever-credulous British public was made to believe that the

Trinidad, and by certain Laws, Ordinances, and Proclamations made and issued by or in the name or under the authority of His Majesty, or His late Majesty King George the Third, by the Governors or Officers Administering the Government of the said Island, His Majesty's Subjects of Free Condition, but of African Birth or Descent, are subjected to various Civil or Military disabilities in the said Island, to which His Majesty's Subjects of European Birth or Descent are not subject; and it is expedient that all such distinctions should be abolished and annulled; His Majesty is therefore pleased, by and with the Advice of His Privy Council, to Order, *And it is hereby Ordered*, That every Law, Ordinance and Proclamation, or pretended Law, Ordinance, or Proclamation in force within His Majesty's said Island of Trinidad, whereby His Majesty's Subjects of African Birth or Descent, being of Free Condition, are subjected to any disability, Civil or Military, to which His Majesty's Subjects of European Birth and Descent are not subject, shall be, and the same and each of them are and is for ever repealed, abolished, and annulled."

And the Right Honourable Sir GEORGE MURRAY, one of His Majesty's Secretaries of State, is to give the necessary directions herein accordingly.

West Indian slave worked in chains, goaded on by a monster in human form, selected on account of his great personal strength, and armed with a tremendous whip with which he continually lacerated the backs of his unfortunate victims, and graphic pictures of the wretched African kneeling in irons and covered with scars were hawked about the country bearing the legend "Am I not, too, a man and a brother?" A moment's reflexion ought to have shewn that men do not pay large sums of money for a creature, whether human or not, to work at the business by which they make their own living, and then systematically expose that creature to such brutal ill-treatment as must infallibly render it useless for its purpose, and eventually shorten its life; but unfortunately those who listened to the fiery oratory of the Abolitionists never seem to have given themselves time to reflect. No sooner was the subject of West India Slavery started than a terrible vision appeared before their mind's eye, the back-ground of which was the dense cane pieces of the estate, the fore-ground being filled in with the figures of maimed and wounded negroes, groaning under the weight of their irons and shrinking from the ever falling lash of the driver.

It is, unfortunately, only too true, that these very false notions were derived from the writings and speeches of authors and orators of a certain class who for many years had systematically sacrificed truth to effect and who had not scrupled to give a distorted and frightful description of negro slavery with the view to obtain the greater meed of praise and distinction for themselves should they succeed in procuring its abolition. That the great majority of the persons who took part in the Anti-Slavery movement were actuated by the best and purest motives there can be no doubt, but they were utterly ignorant of the real state of affairs in the Colonies and too easily misled by writers and orators who, affecting to plead the cause of religion and humanity, wrought them into a state of unthinking indignation against a body of men amongst whom very often near relations and friends of their own were to be found, and whose sole offence was that they had become legally possessed of slaves under a system introduced into the Colonies some centuries before they were born in order to foster the commercial interests

of the very people to whose suddenly awakened philanthropy they were now to be sacrificed.

The argument of the advocates of emancipation that "slavery was an evil and therefore should be abolished" was of course, as a mere proposition, quite irrefutable, but that being admitted it was another matter how to carry out the obligation. It was theoretically easy enough to abolish slavery; that could be done by one simple act of supreme authority, but the real difficulty lay in devising a means by which a body of slaves could with safety and profit, either to themselves or to those who after all were entitled to some little consideration—their former owners—be transformed into a body of free men.

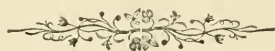
Never perhaps in the history of the world did any Legislature undertake a task so beset by difficulties. It involved a total revolution in habits and ways of thought which had been the growth of centuries; the uprooting of a system avowedly based upon the exclusive right of a few to command the services of the many; the placing upon an absolute equality with those whom they had been taught to believe immeasurably their superiors, men who had never had instilled into them the faintest notions of liberty, who when kindly treated were at the best but overgrown children and if harshly treated watched for the moment for revenge with the cunning and ferocity of savages.

The people of England saw nothing of all this. Carried away by the eloquence of Wilberforce and of Brougham, by the writings of Jeffrey, Stephen, Clarkson and others as brilliant and as talented, they simply willed that a great and manifest wrong should be set right, never heeding the fact that, not in righting that wrong but in the manner in which it was done, an immense injury was inflicted, directly upon the slave-owners, and indirectly upon the emancipated slaves themselves. It is not surprising that under such circumstances angry feelings were aroused in the breasts of the Colonists which found vent in writings and speeches as intemperate, though perhaps more excusably so, as those by which the public mind was irritated against them in England. Their arguments were scouted, their remonstrances disregarded, and when at last driven to extre-

mity, they ventured to express their resentment in strong language, they were sneered at and ridiculed.*

Such was the state of affairs in the Colonies when Sir Lewis Grant assumed the Government of Trinidad, and although in consequence of the humane provisions of the Spanish Law and the judicious conduct of Sir Ralph Woodford at the time of the introduction of the obnoxious Orders in Council, the public feeling in that Colony was by no means in so exasperated a state as in Jamaica, Demerara, or Barbados, still the moment was a very critical one and required that the conduct of affairs should be in the hands of an intelligent, active, and determined man. How far these qualities were possessed by Sir Lewis Grant and his immediate successors the course of this History will show, but before proceeding with the chronicle of events in Trinidad, it will be well to glance rapidly at some of the neighbouring Colonies in order to see how the Orders in Council were there received.

* When the advocates of the Colonists alluded to the mistaken policy by which England had lost her North American possessions, they were cynically reminded that there was this all important difference that they were weak whilst the Americans had been strong. "What was *boldness* in the one case would be *impudence* in the other. England must be reduced very low indeed before she can feel greatly alarmed at a Caribbean Island, like Lord Grizzle in Tom Thumb, exclaiming, 'S'death I'll be a rebel!'"—*Edinburgh Review*, vol. xxv., p. 344.





CHAPTER XVI.

THE action of the English Government in 1823, with regard to the Slave Question, had of course been felt throughout all the British West Indies. In Trinidad, as has been shown, the opposition to the Orders in Council was confined to popular demonstration in the shape of public meetings at which speeches more or less energetic, but never disloyal nor even disrespectful, were made by persons who, considering that their fortunes were at stake, had at least a right to be heard in their own cause. In this respect Trinidad differed widely from all the other Colonies.

In the early part of the year 1823 widespread and serious discontent existed amongst the slaves in Demerara which arose from various causes. There had been much sickness and death amongst them, which was commonly attributed to the very inefficient state of the Medical Staff of the Colony, and this, together with the ill feeling caused by an Order issued by the Governor, General Murray, prohibiting the attendance of the slaves at places of public worship had created very angry feelings in the minds of the latter. Of course it is but fair to suppose that in making this Order General Murray was actuated by a sense of duty and that it was the result of calm reflexion, but to any one who knows the negro nature it will be evident that such a prohibition must have appeared extraordinarily harsh and cruel.

A further cause of discontent in both the slaves and their owners was the curious and unaccountable policy pursued by the Government of the Colony with regard to a Despatch of Lord Bathurst, concerning the Orders in Council of the 10th March, which arrived in Demerara on the 7th July, 1823.

On receiving it two courses were open to the Governor: either to

keep the contents of the Minister's Despatch a profound secret until the final course of action to be taken in connexion with the slaves had been finally decided upon; or else to cause the views of the English Government be at once made known throughout the Colony. Neither of these courses was adopted by General Murray, who tried to steer a middle course and by so doing proved that for once no trust was to be reposed in the old saying : *in medio tutissimus ibis*.

The Despatches of Lord Bathurst were laid before the Court of Policy at two successive meetings, but were not officially made public. The alarm and indignation felt by that Body on learning the views of the Minister of course found vent in conversation with their friends outside of the Court, and being overheard by the domestic slaves, the plantation negroes soon learned that instructions had arrived from England ordering an amelioration in their condition. Seeing that these instructions were not made public and were not being carried out they naturally enough conceived that this reticence on the part of the Government was unfavourable to them, and the result, as might have been expected, was a revolt, a partial one, it is true, but one which nevertheless was attended with very sad circumstances and was followed by most disastrous results.

The vacillating policy of the Colonial Government on this occasion was severely dealt with by Brougham when speaking in the House of Commons upon the troubles in Demerara :—

“My opinion,” he said, “ever has been, that it is alike necessary to the security of our white brethren, and just and even merciful to the negroes—those victims of a long-continued system of cruelty, impolicy and injustice—to maintain firmly the legal authorities, and, with that view to avoid in our relation with the slaves, a wavering, uncertain policy keeping them in a condition of doubt and solicitude, calculated to work their own discomfort and the disquiet of their masters. Justice to the whites, mercy to the blacks, command us to protect the first from the effect of such alarms, and the last from the expectation that in the hapless condition in which they are placed, their emancipation can be obtained,—meaning thereby their sudden unprepared emancipation,—or effected, by violent measures or with an unjustifiable haste, and without previous instruction. The realization of such a hope, though carrying the name of a boon, would inflict the severest misery on these beings,

whose condition is already too wretched to bear any increase of calamity.

It is for the sake of the blacks themselves as subsidiary to their own improvement, that the present state of things must for a time be maintained. It is because to them, the bulk of our fellow subjects in the Colonies, liberty if suddenly given, and still more if violently obtained, by men yet unprepared to receive it, would be a curse and not a blessing, that emancipation must be the work of time, and above all must not be forcibly wrested from their masters."

Such was the policy advocated by one whose devotion to the cause of Negro Emancipation was well known, but whose keen intelligence saw all the difficulties and dangers of the situation and felt that every step should be taken with the utmost caution. Unfortunately, such were not the sentiments of those in authority or holding influential positions in Demerara, and one deplorable result of the manner in which the instructions of the Home Government were carried out in that Colony was the revolt which took place amongst the slaves of the plantations on the East Coast in which several white persons were severely injured and one, if not more, killed.

This outbreak occurred on the 16th August, 1824; Martial Law was proclaimed the very next day and continued in force until the 15th of the following January. During these five months over one hundred of the revolted slaves were shot down in the open fields, many were executed by sentence of Courts Martial and others received corporal punishments varying in severity from five hundred to two thousand lashes. The last act of this fearful tragedy was the trial before a Court Martial of the Revd. John Smith, a Wesleyan Minister of unblemished conduct who was charged with having excited the negroes to rebellion by his public preachings and private exhortations, and also with having concealed their wicked intentions from the Government. On these two charges Mr. Smith was convicted and sentenced to death; the sentence being, however, accompanied with a strong recommendation to mercy to which full effect was given.

As may well be supposed this trial caused a great sensation in England. A most animated debate took place in the House of Commons (June 1st and 11th, 1824), in which Mr. Brougham and others animadverted in the severest terms upon the conduct of

Governor Murray in allowing Mr. Smith to be tried by a Court Martial instead of bringing his case before the ordinary Tribunals. Before, however, adopting this view, it is but fair to consider all the circumstances of the case. The Colony at that moment was in a position of great danger and Martial Law had been proclaimed. The slaves, who were in a state of intense excitement numbered between seventy and eighty thousand, whilst the whole white population was not one-fourth of that number, and the insurrection although as yet but partial might at any moment become general. The feeling of exasperation on the part of the planters against the Orders in Council was at the moment so great that it may fairly be doubted whether Mr. Smith had not at least as good a chance of a fair trial by Court Martial as he could have obtained from the Civil Courts of Justice had they been open to him. Of the thirteen members composing the Court eleven had no other connexion with the Colony than the fact that they were stationed there at that juncture. The Civil Tribunal would have consisted of the Chief Justice of the Colony, and eight assessors, all slave-owners or friends of slave-owners. The planters as a body were firmly convinced that their lives and properties were in the most imminent danger, and believing, as they did to a man, that Mr. Smith's conduct had been one of the principal causes of the revolt, it is scarcely probable that the members of a Court, who with but one exception, would have been selected from that class would have come to his trial with unbiassed or even calm minds. It may be said that from the Chief Justice, Mr. Smith would have met with dispassionate treatment, but of this advantage he was not deprived, as that gentleman, who held the rank of Lieut.-Colonel of Militia, served upon the Court Martial in that capacity. It may therefore be fairly concluded that if the sentence of the Court Martial was death, that of the Civil Tribunal would have been the same, but in all probability there would have been no recommendation to mercy, and that therefore Mr. Smith was no loser by the way in which he was dealt with; at the same time it is well to bear in mind the words of Sir James Mackintosh during the debate upon the matter, who after condemning the proceedings as utterly

illegal, remarked that "Every breach of Law under pretence of attaining what is called substantial justice, is a step towards reducing society under the authority of arbitrary caprice and lawless force."

The same spirit of opposition to the policy of the Imperial Government was shewn in other Colonies and found vent in acts of illegal and wanton violence. In the year 1823, the Minister of the Wesleyan, or as it was then more commonly called the Methodist Society in Barbados was the Reverend William Shrewsbury who, although but recently arrived, had already made himself a name for great zeal and devotion. His ministrations amongst the slaves had given great offence and he had rendered himself peculiarly obnoxious by his uncompromising denunciation of the connexions which but too frequently existed between the young female slaves and their owners, and it was not long before this feeling found vent in overt acts.

From the account given in his own "Memoirs" it appears that on Sunday, the 5th October, 1823, the congregation of the Methodist Chapel was exposed to a very brutal attack. A number of persons having procured a quantity of glass bottles filled with a mixture of lamp oil and assafoetida—some even having aquafortis added—stationed themselves near the Chapel doors and just as the congregation rose from prayer, threw in these bottles amongst the worshippers and then made off in different directions. Mr. Shrewsbury immediately offered rewards for the detection of the offenders, but when he went to the printing office to have advertisements to that effect prepared, he was received with insulting shouts of laughter which convinced him that the gross outrage was widely approved of. A fortnight passed and then came another and more violent attack. Soon after six in the evening of Sunday, the 19th October, a crowd began to assemble round the Chapel with hammers, saws, axes, crowbars, ladders, etc., a certain number being armed in order to protect the working parties.

A little before seven o'clock they broke into the Chapel and demolished the pews, benches, lamps, and all the furniture, venting their rage chiefly upon the pulpit, which they chopped into splinters.

They next went into the Minister's dwelling-house, where they destroyed every article of furniture, tore up and demolished Mr. Shrewsbury's library consisting of over 300 volumes and partially unroofed the house.*

The effect produced in England by the 'news of this disgraceful outrage may be estimated by the following extract from a speech made by Mr. Wilberforce upon the subject:—

"At the very time," said the great orator, "when the prejudices against the Methodists had in some places subsided; when those good men had fairly lived them down by their inoffensive and meritorious conduct; in that very settlement of Barbados, in which the proportion of the whites to the blacks is the largest, and which has been supposed to bear the strongest resemblance to an English community, a Chapel lately erected at the expense of several thousand pounds was utterly destroyed, not by a sudden impulse of fury, but after a regular notice, and by a pre-concerted collection of people—not by what is commonly termed a mob, the lower orders of the community, but as was boasted, by men of superior rank and property—not at one heat, but after they were wearied by their first day's work, returning again the next day to complete the demolition of the building, of which every trace was swept away, and to drive the Missionary himself out of the Colony. In fact the rage against him was such that had he not been concealed from the fury of his enemies and been able to escape out of the Island, his life could not possibly have been saved. When the Governor of the Island . . . issued a Proclamation offering a reward for the discovery and apprehension of the perpetrators of this outrage . . . it was met by a counter-proclamation posted in all the streets, denouncing the vengeance of the Colony against all who should dare to attempt to bring the destroyers of the Chapel to punishment; but reminding the public that they had the cause in their own hands; intimating that as they were to be jury no one should ever be found guilty on account of so meritorious an action."†

The spirit thus manifested in Demerara and Barbados and which at that time made itself known in all the British Colonies was exactly the same which thirty years before had actuated the planters of St. Domingo and Martinique. In neither case could the Colonists brook what seemed to them a most unwarrantable interference with what they looked upon as their vested rights. It is idle to discuss now how far the planters of either the French or English Colonies

* Mem. of the Revd. Wm. Shrewsbury.

† Hansard—New Series, vol. xi, pp. 1273, 1274.

had right upon their side; the question has long ago been settled, but there can be no doubt that the intemperate and violent acts of the Colonists, as exemplified in the two cases of Messrs. Smith and Shrewsbury, strongly prejudiced the public of the Mother Country against them, and unfortunately for Trinidad, although not disgraced by any such acts of lawlessness, she had to suffer along with the other Colonies with which she had little in common save a geographical connexion.

No better evidence can be afforded of the extent to which public feeling in England was roused by these deplorable events than the following extract from Mr. Brougham's speech upon the case of Mr. Smith in which he asked :

“How have the Demerara men entitled themselves to the especial protection and favour of the Ministers? Have they shewn any signal friendship or courtesy, or decent respect, towards His Majesty's Government? Far enough from it. I believe the gentlemen opposite have very seldom had to bear such violence of attack from this side of the House, bad though we are, as from their Guiana friends. Little tenderness or indeed forbearance have they shewn towards the Government which anxiously cherishes them. They have held public meetings to threaten all but separation; they have passed a vote of censure upon one Minister by name (Lord Bathurst) and that none might escape, another upon the whole administration in a mass; and the latest account of their proceedings left them combining plans in the most factious spirit, in the very teeth of the often avowed policy of the Government, for the purpose of expelling all Missionaries from the settlement. Missions and Missionaries may divide the opinions of men in any other part of our dominions but the Slave Colonies, and the most opposite sentiments may conscientiously be entertained upon their expediency; but in those countries it is not the question whether you will have Missionary teachers or no; but whether you will have teachers at all or no. The question is not: Shall the negroes be taught by Missionaries, but shall they or shall they not be taught at all? For it is the unvarying result of all men's experience in those parts, members of the Establishment as well as dissenters, that there is but one way practicable of attempting the conversion of these poor heathens. With what jealousy then ought we to regard any efforts, but especially by the constituted authorities who bore a part in those proceedings, to frustrate the positive orders for the instruction of the slaves, not only given by His Majesty's Government but recommended by this House—a far higher authority as it is, higher still as it might be, if it but dared now and then to have a will of its own, and upon questions of paramount importance, to exercise fearlessly an unbiassed judgment. To obtain the interposition of this authority for the protection of those who alone will

or can teach the negroes, is one object of the motion now before the House. The rest of it relates to the individual (Mr. Smith) who has been persecuted. . . . His blood cries from the ground but not for vengeance. He expired, not imprecating curses upon his enemies, but praying for those who had brought him to an untimely grave.* It cries aloud for justice to his memory, and for protection to those who shall tread in his footsteps . . . shall prove themselves worthy to follow him, and worthy of the cause for which he suffered. If theirs is a holy duty, it is ours to shield them in discharging it, from that injustice which has persecuted the living and blasted the memory of the dead.

It behoves this House to give a memorable lesson to the men who have so demeaned themselves. Speeches in a debate will be of but little avail. Arguments on either side neutralise each other. Plain speaking on the one part, met by ambiguous expressions—half censure, half acquittal, betraying the wish to give up, but with an attempt at an equivocal defence will carry out to the West Indies a motley aspect; conveying no definite or intelligible expression, incapable of commanding respect and leaving it extremely doubtful whether those things, which all men are agreed in reprobating, have actually been disapproved or not. Upon this occasion most eminently a discussion is nothing unless followed up by a vote to promulgate with authority what is admitted to be universally felt.

That vote is called for, in tenderness to the West Indians themselves, in fairness to those other Colonies which have not shared the guilt of Demerara.

Out of a just regard to the interests of the West Indian Body who I rejoice to say have kept aloof from this question, as if desirous to escape the shame when they bore no part in the crime, this lesson must now be taught by the voice of Parliament—that the Mother Country will at length make her authority respected—that the rights of property are sacred, but the rules of justice paramount and inviolable—that the claims of the slave-owners are admitted, but the dominion of Parliament indisputable—that we are Sovereign alike over the white and the black; and though we may for a season out of regard for the interests of both, suffer men to hold property in their fellow-creatures, we never for an instant of time forget that they are men and the fellow-subjects of their masters,—that if those masters shall still hold the same perverse course—if, taught by no experience, warned by no auguries, scared by no menaces from Parliament, or from the Crown administering those powers which Parliament invoked it to put forth—but blind alike to the duties, the interests and the perils of their situation, they rush headlong through infamy to destruction; breaking promise after promise made to delude us; leaving pledge after pledge unredeemed, extorted by the pressure of the passing occasion; or only by Laws passed to be a dead letter, for ever giving such an illusory performance as adds mocking to breach of faith:—yet a little delay; yet a little longer of this unbearable trifling

* Mr. Smith died whilst in prison.

with the commands of the parent State, and she will stretch out her arm in mercy, not in anger, to those deluded men themselves; exert at last her undeniable authority; vindicate the just rights and restore the tarnished honour of the English name.”*

On this occasion Mr. Brougham was defeated by a majority of forty-seven, but neither his courage nor that of his party was in any way checked, and they again and again returned to the attack with renewed vigour until at last they gained the great victory of Slave Emancipation. When, however, that day came it was too late to discriminate between the Colonies in which the efforts of the Government to ameliorate the condition of the slaves had been met with no open or unconstitutional resistance, and those where every means had been unscrupulously employed to thwart and retard them; and consequently all were included without distinction in one sweeping measure, which, just and inevitable as it undoubtedly was, brought all West India proprietors alike, those who had ill-treated their slaves as well as those by whom they had always been treated with the utmost kindness and consideration, to one common level of poverty and ruin. From that ruin most of the West India Colonies have recovered, but how many are the families once prosperous and flourishing, now either entirely swept away or dragging out a miserable existence, depending in many instances upon the kindness of old friends for support, whilst the estates they formerly owned have passed into the hands of strangers, in many instances to men to whom and not to the old planters, could the charge of cruelty towards the slaves be with anything like truth addressed.†

* Hansard—New Series, vol. xi, pp. . . .

† It is not intended by this to assert that the new comers were as a body more cruel than the old planters, but it is notorious that the grossest cases of ill-treatment of slaves were proved against Scotch and English managers acting under Attorneys, and that the slaves always suffered when the estate to which they belonged passed from the old owner to the mortgagee.



CHAPTER XVII.

FROM the early days of the British occupation the emoluments of the Governor of Trinidad had consisted of a certain fixed amount as salary and a varying income from fees of office. These latter had hitherto been very considerable, but the daily increasing want of confidence in the future of the West Indies consequent upon the Anti-Slavery movement, was seriously affecting the trade of the Colony, and Sir Lewis Grant thought it advisable to secure himself against the very probable contingency of a permanent reduction of his official income.

On the 1st May 1830, he laid a statement before the Board of Council, shewing that between Fees of Office and Fixed Salary, the average income of the Governor was about £6,000 per annum, and this he proposed to commute for a fixed yearly salary of £5,000. To this the Council assented, and this, to him, important matter being settled the Governor went to England on leave of absence, being replaced in the administration by Sir Charles Smith.

A few months later (4th September) the Colony sustained a great loss by the death of the Chief Judge, Mr. Ashton Warner, who had filled that high and responsible office for twelve years. Such was the respect felt for the deceased, that a petition was presented to Sir Charles Smith by a deputation of the principal inhabitants, praying that as a mark of the appreciation in which Judge Warner's services were held by the whole community, a pension should be granted to his widow and children from the Colonial Treasury.*

The following lines, which appeared in one of the local papers, shortly after Judge Warner's death, are quoted as shewing the high

* The petition was forwarded to the Colonial Office and a Grant was made to Mrs. Warner of £1,500.

estimation in which he was held, and the qualities by which he had gained it:—

LINES WRITTEN ON SEEING A BUST OF THE HON. ASHTON WARNER.

“ And this faint image, colourless and cold,
 Is all of Warner that we can behold !
 (Save th’ evanescent portraiture imprest
 By painful memory in the aching breast.)
 ’Tis all the lifeless features could impart
 To pay the labours of the plastic art.
 Bust of the dead, thy traits the gazers strike
 At once as being faithful and unlike ;
 Ingenious model, faithfully hast thou
 Ta’en the fine form of his majestic brow.
 And all those lineaments that please the scan
 Of him who loves to view God’s image—Man.
 Still how unlike art thou ; for where’s the look
 Of intellectual power his features took.
 And when his silver tongue the silence broke,
 Gave double force to every word he spoke :
 In this pale earthly mask we seek in vain
 That look of self-respect which did not deign
 To borrow ought from station dignified,
 But to that station dignity supplied !
 Not here the scrutinizing glance we trace
 That often caused to flush a culprit’s face,
 Strangled the long premeditated lie,
 And checked the preconcerted perjury.
 Where too the mingled look his face disclosed
 Of pity and severity composed.
 When some poor wretch his guilt at length brought home
 Stood trembling in the dock to hear his doom.
 ’Twas then his aspect told in language plain
 The Judge was rigid, but the man humane :
 All those expressions now, alas ! have fled,
 And with the soul that they reflected sped
 To Him whose spirit animates our clay,
 That Being Infinite who gives and takes away.”

The general depression to which allusion has been made in connexion with the Governor’s salary, and the consequent critical position in which many of its leading merchants found themselves

placed, produced many unpleasant complications of which the following may be given as an instance.

Ever since the conquest the position of the Colonial Treasurer had been a very peculiar one. Under the Spanish Rule there was a "Military Chest" upon which in moments of difficulty the Government could draw, but no such system was introduced when the Island capitulated. From the different financial returns which have been given in previous chapters, it is clear that ever since 1806 the Government had been in debt to the Treasurer; and the greater portion of the assets of the Colony was frequently represented by notes of hand payable on demand, given by the various merchants to that Officer. Whenever money was required for Government purposes the Treasurer negotiated a sufficient quantity of these notes, and in fact was more like a Banker than a Government Official. As a result of this peculiar system the Treasurer was allowed for his own benefit to speculate with these notes he held, and so long as trade was prospering and the current expenditure of the Government small, no immediate evil seems to have ensued. But in 1830 matters were very different to what they had been twenty years before; the yearly expenditure of the Colony had largely increased and it was necessary to look forward and ascertain how that expenditure was in future to be met. The first step was to establish the exact financial position of the Colony, and accordingly, in February 1831, an examination of the Public Chest was held by order of Sir Charles Smith, the result of which was sufficiently alarming, a deficiency being detected of no less than £16,000. A Committee was at once appointed to examine the books of Mr. St. Hill the Treasurer, who, pending the result of the Inquiry, was suspended, and an acting Treasurer appointed.

The Committee was composed of Mr. Burnley as Chairman, Mr. Miller the Judicial Referee, and Deputy Commissary General Flanner, and after a careful investigation, reported that no regular books appeared to have been kept by the Treasurer since the year 1819, and that the total deficit amounted to over £20,000. Proceedings were at once instituted in the Court of Intendant against St. Hill, and on the 2nd April, a Decree issued from that Court

declaring him to be indebted to the Crown in the sum of £15,322. It is proper to state that the whole of this sum was paid and that there was no charge made against Mr. St. Hill of either fraud or dishonesty. Under a vicious system which he found in existence, and under the pressure of unfavourable circumstances, he had gradually become involved in difficulties, which entailed upon him the loss of his situation, although the Colony suffered no eventual loss.

The death of Sir Ralph Woodford did not abate the energy of those who desired to see an alteration in the Constitution of the Colony. The Home Government had decided to accede to their wishes to a very modified extent, and even before his departure in 1828, it was pretty generally known that some important changes were about to be made, although their nature and extent were kept a profound secret for some time. At length, however, the following Despatch was published in the *Port-of-Spain Gazette* (1st June, 1831) which threw considerable light upon the matter:—

“ COLONIAL OFFICE,

Downing Street,

14th March, 1831.

SIR,

I have received and laid before Lord Goderich your letter of the 3rd instant, containing a letter from Mr. Marryat* with a copy of a letter addressed by that gentleman conveying certain Resolutions adopted by

* This was Mr. Joseph Marryat, uncle of Mr. A. P. Marryat, and son of the late Agent for the Colony, who died in January, 1824.

In November 1830 a Public Meeting of Planters, Merchants, and Proprietors, of Trinidad, was held at the residence of Robert Neilson, Esq., a considerable Merchant of Port-of-Spain, in order to concert measures for protecting the common interests in the crisis through which Trinidad was then passing in common with all the other West India Colonies.

At that meeting it was determined to name a Committee to correspond with the West India Body in London, and to request Mr. Marryat to become the Agent of the Trinidad Colonists for the purpose of carrying out whatever steps might be decided upon. This Committee was composed of:—

The Hon. Jas. Peschier.
 „ W. H. Burnley.
 „ Jos. Peschier.
 „ Henry Murray.

and Messrs. Bégorrat, Jackson, Thatcher, Bushe, Porter, Scott, Black, Robbins, Lapeyrouse, Gray, Souper, Brown, Farfan, Bland and Joell.

various persons in Trinidad at a meeting at which Mr. W. H. Burnley acted as Chairman, and Mr. George Reid as Secretary.

I am directed by Lord Goderich to apprise you, and you will be at liberty to communicate the information to any other persons who may be interested in the subject, that arrangements are in progress, and will possibly be completed within a very short time, for carrying into effect the greater part of those changes which appear to be necessary in the Political and Judicial Constitution of Trinidad. It is intended to create a Council of Government, selected partly from the Public Officers, and partly from the principal proprietors of the Colony. To the Governor, acting with the advice of that Council will be given authority to make all necessary Laws.

It will be required that the accounts of the Revenue and Expenditure should be published once in each half-year for general information. A republication of all the Laws of the Colony will be among the first duties of the Governor. The Courts of Audience and Appeal will be abolished. The number of Judges in the Court of First Instance will be reduced and that tribunal will henceforth be holden by professional Judges only, in Civil cases, and by professional Judges and Assessors, in Criminal cases. The office of Father-General of Minors and Defender of the Absent will be abolished, and, probably, the office of Depositario General. The Judges will be remunerated exclusively by salaries; they will receive no fees, nor exercise any patronage over the Officers of their Courts. It will be among the first duties of the Judges to establish such Rules of Procedure as may most effectually abridge the delay, and such Tables of Fees as may properly diminish the expense, of litigation. Various amendments of the General Laws of the Island will be recommended to the early attention of the Governor and Council.

I am informed by the Officers of this Department that the instruments for giving effect to these changes are already in such forwardness, that it may be reasonably expected that all the necessary Official Forms will be completed before the end of the present month."

I have, &c., &c.,

HOWICK.

H. SHORT, Esq.,

The publication of this letter naturally gave rise to a large amount of speculation as to the probable results which would ensue from the change. The advocates for Representation were of course by no means satisfied with so very modified a concession, whilst those who believed that in a Colony so composed as Trinidad, the Executive power should be as little trammelled as possible, predicted (and as will be seen, with reason) that this diluting of

the Governor's powers, and diminishing his responsibility would sooner or later lead to awkward complications. Unfortunately for the Island, all parties were so absorbed in the personal considerations involved in what was then known as the West India Question, that no one could devote much time or attention to matters which appeared to be but of secondary importance. It could hardly be expected for instance that any planter or proprietor would take much trouble in discussing questions which might affect the Colony in a remote future, when the line of policy which the Government seemed bent upon pursuing threatened to deprive him in a few months of any interest whatsoever in its affairs, and much of the curiously disconnected legislation and vacillating policy of this period is due to the fact that with ruin staring them in the face, the colonists of all shades of opinion, like sailors in a foundering ship, had neither time nor inclination to think of anything but their own immediate safety.

On the 19th August, 1831, a fearful hurricane swept over the Island of Barbados, causing an almost incredible amount of damage. Not only were the mills and other estate buildings hurled to the ground, and the sugar canes and growing provisions torn up by the roots through the violence of the wind, but storehouses filled with flour, rice, and other provisions, were either destroyed or their contents so damaged, as to be rendered totally unfit for use, so that the unfortunate inhabitants were threatened with all the horrors of a famine. As soon as this news reached Trinidad, a ring of speculators bought up all the provisions, &c., in the market, hoping to reap a rich harvest from the sale of them to the half-starved people of Barbados. They, however, met with their match in Sir Charles Smith, who, whatever may have been his faults, was not deficient in promptitude or determination. No sooner had he heard of this speculation than he placed an embargo upon every vessel in the harbour, and then assembling the Council proposed and obtained a vote of money sufficient to send a large supply of provisions as a gift to the suffering Barbadians.

The same spirit of liberality did not, however, always actuate the Council, and the change which was coming over the Colony,

exhibited itself shortly after this, in a miserable piece of parsimony exercised at the expense of the Catholic Church in Trinidad.

In September, 1831, Dr. M'Donnel made an application to the Government for pecuniary aid to defray the expense of building a Church and Presbytery in Carenage. He had himself begun the work, but finding that the buildings would cost more than the original estimate he applied for assistance from the Colonial Treasury. He at the same time stated his intention of leaving the Island for a short time on a pastoral visit to the other Islands in his Diocese, and asked that he might be allowed to draw salary whilst so absent. Both requests were objected to by the Council, and on reference to the Secretary of State were refused!

A few short years before and his predecessor had been lodged free of expense, and all his household plate and furniture provided for him out of the public funds! But neither in Trinidad nor in Downing Street did the same liberal spirit prevail under Sir Lewis Grant and Lord Goderich as had distinguished Sir Ralph Woodford and Lord Bathurst.

It does not appear that in those days either of the Churches found much favour with the local Government if we may judge from the following fact. The Clerk of Trinity Church having died, Mr. Cummins the Rector claimed to appoint his successor, and quoted the Canons of the Church of England in support of his claim. The matter having been referred to the Attorney-General, Mr. Fuller, that Officer held that the Rector had no power of nomination at all, the patronage of all such appointments resting with the Church Commissioners subject to the approval of the Governor. As to the Canons of the Church of England the learned gentleman scouted the idea of their having any force of Law in a Colony in which the Archbishop of Canterbury had no jurisdiction.

The end of the year 1831 was now approaching, and its close was to see the last of the system of Government under which the Colony had been ruled for thirty years, and which, though doubtless far from being perfect, had enabled Trinidad to make notable progress towards prosperity and civilization. On the 27th of December the Council, which since 1801, had been known as "His Majesty's Council for

the Island of Trinidad," assembled for the last time. There were present :—

His Excellency Sir Lewis Grant, Governor.
 Hons. L. H. Johnston, Acting Chief Justice.
 „ Dr. Llanos.
 „ F. Peschier.
 „ H. Murray.
 „ H. Fuller, Attorney-General.
 „ J. Peschier.

His Excellency, after the Minutes of the previous meeting had been read, addressed the Board as follows :—

“GENTLEMEN,

I have called the Council together to-day for the purpose of communicating that I have in my possession a new form of Government, which His Majesty has been pleased to adopt for this Colony.”

After this preamble, which certainly had nothing but its brevity to recommend it, he informed the Council that as then existing it was dissolved, and that a new one would be at once formed ; that the new Council would not be merely one of advice but would have Legislative functions and authority, and would be composed in part of members holding seats *ex officio* in virtue of their posts in the Public Service, and partly of nominees of the Crown selected from amongst the inhabitants, the Official Members taking precedence of the Non-Officials.

The Order in Council under which these changes were made was then read, and under it the new Council was thus composed :—

President :

His Excellency the Governor.

The Chief Justice.	}	<i>Official Members.</i>
„ Colonial Secretary.		
„ Attorney-General.		
„ Colonial Treasurer.		
„ Protector of Slaves.		
„ Collector of Customs.		
Hon. W. H. Burnley.	}	<i>Non-Official Members.</i>
„ Dr. Llanos.		
„ F. Peschier.		
„ H. Murray.		
„ J. Peschier.		
„ R. Neilson.		

It will be well to pause here awhile and enquire what was the real value and extent of the change thus effected by the substitution of a Legislative Council for a Council of Advice.

From 1797 to 1801 the Governor, or rather to give him his real title, the Military Commandant, had ruled the Colony according to his absolute will, and any advice he may have taken was from Counsellors selected by himself, and not in any way imposed upon him. Subsequently, he was directed to form a Council of Advice, but the selection of the persons of whom it was to be formed was left entirely to himself, and although he was to consult this Council, he was not bound to follow their advice, nor were the members of it allowed any vote. The whole and sole responsibility of the Government of the Colony rested with the Governor, who having taken on all occasions the best advice he could obtain was then to use his own judgment, the responsibility of his acts whether good or bad being his and his alone. Under this system, arbitrary as it may appear the Colony had undoubtedly arrived at a high pitch of prosperity. As was but natural, such a system led to much dissatisfaction: those who were not taken into the Governor's Councils were mortally offended, especially if they belonged to that ever-increasing class which considers that the importance of an individual is to be measured rather by the weight of his purse than by the length of his experience or the depth of his intelligence, and it was from men of this stamp that the clamour for English Laws and representative institutions was *first* heard. Others subsequently took up the cry, but from far different reasons, for, save for the necessity which in their hopeless fight against the new West Indian policy of England, compelled them to make common cause with the British party, they would never have agitated for any change, greatly preferring the old constitution of the Colony to any thing which could be substituted for it.

It is true that under the old system the Governor was practically absolute, but if he acted injudiciously or tyrannically he had to bear all the consequences and could not shelter himself behind the Council of Advice to whom no control was given over his acts. As the final decision in all cases rested with him it would have been a

mere idle excuse as well as an admission of incapacity on his part to have pleaded the advice of his Council as having induced him to adopt any particular course or policy. Under the new system, however, things were to be very different. Trinidad was still to remain a Crown Colony, that is to say, there were to be no Representatives of the people elected to seats at the Council table, and the Colony would still virtually be governed from Downing Street, but the new constitution, whilst leaving the Governor almost as absolute as before, afforded him every opportunity of shifting the responsibility of his acts upon those who were to be not only his advisers, but to a certain extent, members of his Government. The Governor certainly could not exercise so despotic a sway as either Picton or Woodford, but this was owing to the changed nature of the times which had caused his instructions to be drawn up in a very different spirit to theirs, and not to any control over him being conferred upon the Council. He no longer had the power of inflicting arbitrary fines or sentences of imprisonment nor was it necessary for the peace of the Colony that he should have such powers, but constituted as the Council was, it was easy for him under the new system to carry any measure through it in spite of opposition. The officials of course were bound to vote as he wished, and even if the non-officials were unanimous in their opposition, the Governor still had his casting vote.

The new constitution did not add much to the political liberties of the people of Trinidad, nor had it long been at work before it became evident that it was made the instrument of placing power and patronage into the hands of a clique, which never would have been allowed in the days of Picton or of Woodford.

The people of Trinidad had clamoured for a change of constitution until at last they obtained one; the chief result being that they found they had exchanged the Government, absolute it is true, of one man selected by His Sovereign as able and fit to represent him and responsible to that Sovereign for the proper performance of the very large powers with which he was entrusted, for the infinitely more dangerous despotism of any knot of clever unscrupulous men, who

from the mere accident of either official or social position could obtain constant and easy access to the Governor behind whom they sheltered themselves, whilst he in turn was saved from the responsibility of his acts by their votes or those of their friends in Council. The circumstances of the times may perhaps have compelled the Ministry to accord a change of Government, but at that period of intense excitement throughout the Slave Colonies it was scarcely wise to adopt any measure which would even remotely affect the powers of the Governor, for, in order to be able to carry out the proposed measures of reform in connexion with the slaves it was absolutely necessary that the Executive power in the Colony should be as untrammelled as possible, and yet the very moment when this was all important was the one chosen to weaken it.

It had been an open secret for some time past that an Order in Council would be promulgated at the commencement of the year 1832, the provisions of which it was generally known would be extremely distasteful to all slave-owners, and preparations were actively made to oppose it.

At a meeting of the Cabildo, the following Protest was prepared and sent to the Governor, a step which that Body would not have dared to take in the days of Picton or of Woodford :—

“ To His Excellency, Major-General Sir LEWIS GRANT, &c., &c., &c.

We, His Majesty's dutiful subjects, the Alcaldes in Ordinary and Regidores of the Illustrious Cabildo, having been informed that Your Excellency has received from His Majesty's Principal Secretary of State for the Colonial Department an Order in Council, whereof some of the provisions are subversive of the rights and destructive of the properties of His Majesty's subjects in Trinidad, and deeply impressed with a sense of the responsibility which devolves on us as guardians of the welfare and protector of the rights of the community over which we are appointed to preside, pray Your Excellency's serious and attentive consideration to the solemn compact and the Laws by which their rights were guaranteed and assured at the time of the capitulation of this Island, and to the very act which made its inhabitants British subjects, to which the Public Faith of England was solemnly and distinctly pledged; that in the Laws and Ordinances to be enforced by the British Government, the rights, the properties, and religion of the capitulants should be preserved inviolate. The Laws at that time in force in Trinidad and those subsequently promulgated by the British Government, not only recognised the right and property in negro slaves, but held out every

possible encouragement to the investment of capital in such property which consists wholly in the right of the proprietor to exact the labour of his slave. The clauses of the Order in Council which limit the hours of labour to an extent hitherto unknown, and in a manner not requisite for protecting the health and comfort of the slave, are a palpable infringement of this right; the Regulations respecting the food and clothing of negro slaves are needlessly extravagant; and the enactments which permit persons to act as salaried informers, to enter on estates and into negro houses at all hours without information or even suspicion of the commission of an offence, unnecessarily authorize and encourage a direct invasion of the rights of private property.

By the constitutional and unaltered laws of the Spanish monarchy, no power in the Empire can take or impair the property of any individual without previous compensation; the laws of the Partidas and of the Indies prohibit the promulgation of any Ordinance by which the rights or properties of any communities are invaded; declaring, in case any such Ordinances should be received, that their enforcement should be suspended, until the decision of the King or the Representatives of his people should be made known. Availing ourselves of the protection and the privileges which the inhabitants of this Island are under, these laws entitle us solemnly to entreat Your Excellency to suspend the promulgation of this Order in Council, and more especially the enforcement of the clauses before particularly referred to, until such time as an humble application to the justice of our Sovereign shall have been received and answered. But in case Your Excellency should not deem it proper to comply with our request, then in the name and on the behalf of all His Majesty's subjects in this Island, we declare to enter our SOLEMN PROTEST against the enforcement of all such parts thereof as are injurious to, or destructive of, private property, reserving to all the inhabitants of this Colony the said rights and privileges to which they are entitled under the laws of the land and the engagements solemnly undertaken at the capitulation of the Colony, together with their claims to full and ample compensation for all loss or depreciation of property which they may sustain by reason of the promulgation of the Order in Council, or their obedience to the provisions thereof."

ROBERT BUSHE.

—*First Alcalde.*

FREDK. BROWN.

—*Second Alcalde.*

WILLIAM ROBERTS.

GEORGE BLAND.

FRANCIS R. WALLEN.

WM. S. NEILSON.

DAVID HUTCHINSON.

WRIGHT SHERLOCK.

} *Regidors.*

Although this Protest was dated on the 4th of January, its opening sentences show that it had been prepared in anticipation of the

promulgation of the Order which was only proclaimed on the 5th. It was dated 2nd November, 1831, and contained 121 clauses, all of which dealt with the relations between the slaves and their masters in a manner which the latter considered to mean utter ruin to them as well as calculated to bring about a servile insurrection if put in force.

The very next day, 6th January, a numerously attended public meeting was held in Port-of-Spain, Samuel Samuel, Esq., being in the chair. Amongst the speakers on the occasion was Mr. Jackson, a rising barrister destined to play no inconsiderable part in the future of Trinidad. Some portions of his speech deserve recording, as showing how little in some respects the policy of the Colonial Office has changed.

Referring to the Despatch of Lord Goderich which had accompanied the Order in Council, and which he said was based upon the prevalent idea that West Indians could not conduct or even understand their own affairs, he said :—

“ His Lordship will have it that our pecuniary embarrassments, our want of literary leisure, of scientific attainments, and—will you believe it? even of liberal recreation, unfit us for the task of attending to our own interests. And thus, because the blunders of European statesmen have involved us in ruin—because we are not idle, do not read the new novels till some time after they are published—because our backs are not rubbed by Mr. St. John Long—because we do not go to Newmarket or Moulsey Hurst—because we have private concerts instead of operas, and amateur concerts instead of the pantomimes of Drury Lane and the melodrama of Covent Garden—for these most excellent and unanswerable reasons, His Lordship contends that we are incapable of understanding our own affairs or of taking care of our own interests, far less of embracing those comprehensive and enlightened views of general policy and justice by which it is tacitly understood the measures of Government are so notably distinguished. Local knowledge and practical experience are held to be impediments to a wise system of Legislature. The framers of the Order are assumed to be possessed of unbounded sagacity in discerning premises, and unerring wisdom in drawing conclusions. Such are the grounds which are assigned by Lord Goderich as a sufficient and unanswerable justification for the promulgation of the new Order without reference to the rights or the complaints of the Colonists, the former of which are without hesitation invaded, and the latter without scruple disregarded.”

Mr. Jackson's remarks upon the low estimation in which West Indians were held in 1832 could be repeated almost word for word

to-day ; for although, perhaps, not so openly expressed, the feeling of contempt for “ Colonials,” still exists in the minds of most (fortunately not all) of the officials sent to govern the Colony.

After concluding his remarks, Mr. Jackson moved the following Resolutions which were unanimously adopted :—

Resolved—That by the ancient laws of this Colony, as well as by the Acts of the British Parliament and the Proclamations of the British Parliament and the Proclamations of the British Government, a system of slavery has been sanctioned, encouraged, and established in this island ; and that the proprietors therein have by law a right to exact the labour of the slaves, subject to their obligation to provide them with sufficient food, clothing, and medical attendance ;—and that any infringement of this right is prohibited by the same laws as those which secure the enjoyment of other descriptions of private property.

Resolved—That every regulation which imposes new restrictions on the authority of the master, so as to lessen his power of exacting the labour of his slave, and which enforces additional obligations on the proprietor for the benefit of the slave, are infringements of the right of private property ; and that any enactments by which such regulations are imposed, unless sanctioned by the consent of the proprietor, or attended by a full compensation for any loss which he may sustain, are alike unjust and unlawful.

Resolved—That if in the following resolutions, the inhabitants of this island do not insist on the observance of the principles above laid down in the fullest extent, it is not either because they entertain any doubt of their justice, or any intention to abandon the rights which are thereby secured to them, but because they prefer to evince their loyalty to the King and their obedience to the constituted authorities,—by submission to much to which they might reasonably object ; and to demonstrate in the clearest manner that the opposition which they feel themselves bound to offer to the measures of his Majesty’s Government proceeds not from any spirit of disaffection, but from a deep sense of the necessity of protecting their properties from total destruction.

Resolved—That the inhabitants of this colony have heard with the greatest consternation and sorrow, that his Majesty’s Ministers have advised his Majesty to make an Order in Council, and to promulgate the same in this island, by some of the provisions whereof, the properties of the inhabitants of this island are invaded,—their privileges disregarded, and their established rights subverted, in violation of the solemn Treaty of Capitulation, whereby the possession of this island was ceded to the British arms,—and contrary to the laws and constitutions of the colony which the Sovereign and the people are alike bound to respect.

Resolved—That for securing the rights and protecting the properties of the inhabitants of this colony, it is expedient that a solemn protest be

immediately entered by them against the provisions of the Order in Council before mentioned, and that the following Protest should be adopted by them for this purpose:—

PROTEST.

We, the undersigned Capitulants, Proprietors, Planters, Merchants, and others possessing, or being interested in property in Estates and Slaves in the Island of Trinidad—

Considering--That the several Governments and Parliaments of England, Great Britain, and Great Britain and Ireland, have for more than two centuries encouraged and promoted the bringing of African Slaves to the West India Colonies, there to be sold as Slaves, and employed in the cultivation of sugar and other colonial produce, and have by all means in their power, induced and encouraged the Inhabitants of these Islands to invest their capital in the purchase of such Slaves, and in the cultivating of lands, and the erection of buildings and machinery, which without the labour of such Slaves, are totally useless, and have by express and repeated enactments acknowledged and guaranteed the rights of such purchasers, and their descendants, and their title to such Slaves and their issue as property lawfully acquired ;

And considering—That previously to the conquest of this Island by his Britannic Majesty, the Spanish Government had by several enactments and Proclamations, and particularly by the Royal Cedula of the year 1783, endeavoured to promote the exportation of African Slaves into Trinidad, and in consequence thereof, and also in consequence of the encouragement given to this trade by British Acts of Parliament, large numbers of African Slaves were brought into Trinidad principally by British Traders, and were there sold ; and that such Slaves and their issue, by the express laws of the Spanish Indies, became, and are, the lawful property of the persons by whom they were thus acquired ;

And considering—That by the articles of capitulation by which this Colony was surrendered to the arms of his Britannic Majesty, the rights of property of all the Inhabitants thereof were expressly guaranteed, and the public faith solemnly pledged for their protection ;

And considering—That after the conquest of this Island by Great Britain, the Inhabitants thereof were induced and encouraged by the Government to extend the cultivation of the Colony by means of the fresh importation of African Slaves brought hither by British Traders ; that the purchase and employment of Negroes were made the condition of all grants and concessions of lands, and that many thousand acres of the most fertile lands in this Colony have been confiscated because the proprietors were in this respect unable to comply with the terms on which such grants were made ;

And considering—That by a Proclamation of the British Government made and promulgated in this Island, in the year of Our Lord 1815, strangers from the other Colonies were invited and encouraged to settle in this Island, and to bring their Slaves with them ; and that in consequence thereof many of the Inhabitants of this Island whose names are undersigned removed with their families to this Island, and brought with them their Negro Slaves from other Colonies having local Legislatures, under the faith and belief that their property in such Slaves would be effectually secured by the laws of this Island ;

And considering—That by these and other acts, as well as by innumerable legal decisions of the Tribunals of this Colony, confirmed by his Majesty in his Privy Council, and of the highest Courts of Law and Equity in Great Britain, made under the direction of the ablest Lawyers and most upright Judges, the title of the Proprietor to his Slaves as property lawfully acquired and held hath been in the fullest manner recognized, admitted, and established ;

And considering—That by one of the fundamental and established laws of the Spanish Monarchy by which the British Government and its subjects in this Island are alike bound, it is provided as follows :—

“ If the Sovereign desire to take from any one his hereditament, or other property, for his own use, or to give it to another, although it be that he is Lord “ of all that are of the Empire to defend them from violence and to maintain them “ in justice, yet for all this he cannot take from any one that which is his, without “ his goodwill, unless he had done that for which he should forfeit it according to “ law. And if peradventure he should have to be deprived of it because that the “ Sovereign hath need of it to do something with it that may be turned to the “ general advantage of the land, he is bound by law to give to the owner beforehand “ a fair equivalent which may be worth as much or more, so that he may be fully “ paid, according to the estimation of honest men ;”

And considering—That the faith of the British Government, and that of both Houses of the British Legislature, has been solemnly pledged to the Proprietors of Slaves by the resolutions adopted in the House of Commons in May 1823, and in the House of Lords in the year 1827, that all measures of amelioration or pretended amelioration of the condition of the Slaves should be consistent with a strict regard to the rights of private property ;

And considering—That a property in Slaves consists in the Proprietors' right to exact from them such a portion of labour as is consistent with their health and comfort, subject to his liability and obligation to provide for them sufficient food, clothing and medical care ;

And considering—That a Legislative enactment which encourages and permits a most injurious interference with the Master's authority which by unnecessary restrictions prevents him from exacting such a portion of labour from his Slaves as is consistent with their health and comfort, and which obliges him to provide for them more food than they can consume, and more clothing than they require, is a direct interference with the rights of private property, and unless consented to by the Proprietor, or accompanied by previous compensation, alike inconsistent with the principles of justice and the positive provisions of the law ;

And considering—That the Inhabitants of this Island, in concurrence with all the other Proprietors of West India property, have called upon his Majesty's Ministers to institute a Parliamentary inquiry into the condition and treatment of the Negro Slaves under the existing laws, in order that the necessity for further Legislative interference between the Master and Slave might be fairly examined, and the principles and extent of such interference, if judged to be necessary, exactly determined ;

And considering—That his Majesty's Government have refused to institute or to encourage the institution of such Parliamentary inquiry, and in the stead thereof have adopted the false and exaggerated statements, and are proceeding to act on the unjust and injudicious principles of a party who avowedly aim at the destruction of all West India property ;

And considering—That his Majesty's Ministers have obtained and promulgated in this Colony an Order of his Majesty in Council, whereby a vexatious and most injurious interference with the authority of the Master over his Slave is authorized and encouraged, whereby the Proprietor is prevented by unnecessary restrictions from exacting such a portion of labour from his Slaves as is consistent with their health and comfort, and whereby he is obliged to furnish them with more clothing than they require, and to provide for them more food than they can consume, while the regulations in respect thereof will be productive of the utmost dissatisfaction amongst the Slaves, and that by the said Order in Council his Majesty's faithful subjects in this Island are subjected to the jurisdiction of extraordinary Tribunals, and are deprived of their undoubted right of appeal to his Majesty in cases of fines exceeding £100 sterling ; and that for these reasons and to this extent the enforcement of the said Order in Council without the consent of the Proprietors, and without any previous compensation to them, will be an unlawful exercise of the power entrusted to the Government, and a direct violation of the rights of private property ;

Therefore, we, the Capitulants, Proprietors, Merchants, Planters and others, whose names are hereunder written, for the purpose of protecting ourselves and our properties from the evil consequences which might ensue from a silent and unopposing obedience to the said Order in Council, have solemnly protested, and do hereby most solemnly protest against the several clauses in the said Order in Council hereinbefore mentioned, and the enactments and provisions therein contained, protesting and solemnly declaring the same to be a direct violation of our rights, and a forcible and unlawful invasion of our properties, inconsistent with the treaty of capitulation, contrary to the first principles of natural justice, and totally null and void in law."

Resolved—That a Petition be forthwith prepared in the name of the inhabitants of this colony, addressed to his Majesty the King, praying him either to repeal or modify certain of the clauses of the said Order in Council; and in case the same should be only modified, then to provide a fair compensation to the inhabitants of this Island for the losses they will sustain thereby; or in case this prayer should be refused, then to permit the inhabitants of this island to surrender all their properties to his Majesty, on receiving full indemnity for the same; or if this should be refused, then to permit our connexion with the mother-country to be dissolved: and that the following Petition be adopted for that purpose:—

To the King's Most Excellent Majesty.

We, your Majesty's most dutiful subjects, Capitulants, Proprietors, Merchants, Planters, and other Inhabitants of the island of Trinidad, pray leave to approach your Majesty with the expression of those feelings of duty and affection for your Person, and sincere loyalty to your Crown, which the gracious protection hitherto extended by your Majesty and your predecessors to this unfortunate Colony has not failed to excite within us. Encouraged by the ancient laws of the Colony—by the Royal Proclamations of your Majesty's predecessors, and by repeated acts of the British Parliament—our ancestors and ourselves have invested our substance in the purchase and settlement of estates and other properties which can be made productive only by the labour of our Slaves, and of which, therefore, such labour constitutes the most valuable part. These properties we have hitherto held and enjoyed under the faith of a sacred compact, whereby the British faith was pledged for its protection, and under the solemn sanction of the laws by which even your Majesty is prohibited from invading the rights of private property without full previous compensation.

The Lords of your Majesty's Privy Council have advised your Majesty to promulgate in this Colony an Order in Council, dated the 2nd November last, which, under the specious pretext of ameliorating the condition of the Slaves, is subversive of the rights and destructive to the property of their owners.

The provisions of this Order, which limit the hours of labour in a most unnecessary and unreasonable manner—the restriction of domestic punishment which prevents the master from punishing serious offences in an adequate manner—and the extravagant regulations respecting the food and clothing of the Slaves, will, if enforced in this Colony, leave the sugar planter nothing to hope from the cultivation of his estate and nothing to fear from its entire confiscation.—And that these and other claims, and especially those which permit the entrance on our estates and into our negro houses at all hours of the day and night, to a salaried officer whose duty is that of an informer; and those which take from us our right of appeal so long given to us by your Majesty's predecessors, are, we most humbly submit, violations of our properties, and infringements of our rights, which exceed the lawful bounds which limit the exercise of your Majesty's royal prerogative.

Wherefore, we humbly pray your Majesty, as the Guardian of the Laws and the Fountain of Justice in your dominions, either altogether to repeal the Order in

Council of the 2nd of November last, or to cause the following reasonable modifications to be made therein :—

- I. That the right of Protectors and Assistant Protectors to come on estates and enter negro-houses without the proprietor's consent, be limited to cases where complaint has been made, or where information has been given, or reasonable ground of suspicion exists, of the commission of some offence.
- II. That the restrictions on the hours of labour be modified, so as not to prohibit nine hours of agricultural labour, out of crop, and ten hours of agricultural and twelve hours of manufacturing labour, in crop.
- III. That the number of days allowed to the slaves be limited to thirty, including the four great Festivals; and that in consideration of this and the foregoing modifications, the proprietor will continue to give his slaves a weekly allowance of 3½ pounds of salt fish to the adults, and half this quantity for the children.
- IV. That the right of domestic punishment be limited, as now, to twenty-five stripes, and no more.
- V. That the regulations respecting food and clothing be referred to your Majesty's Council in this island—the proprietors being ready to make such allowances in both these respects, as, after a fair and impartial examination, that body shall deem amply sufficient to secure the comfort of the negro.
- VI. That the clause which takes away our appeal to your Majesty in cases of fines for misdemeanour exceeding £100 sterling, be rescinded.* The obligations and restrictions already imposed on us, from which the Colonists of other nations are wholly free, have encouraged the extension of the Slave trade and the production of sugar in the foreign plantations to a degree which has reduced us to the brink of ruin; and, as these obligations will become much more onerous and these restrictions more oppressive under the new Order, even when modified in the manner above mentioned, we feel assured that your Majesty's justice will not refuse to provide for us full and satisfactory compensation for all the losses and additional expenses entailed on us by these and other legislative enactments.

Your Petitioners, sincerely desirous of evincing their readiness to adopt such measures as your Majesty may deem necessary for the purpose of ameliorating the condition of the negro slaves in this Colony, will, even under the numerous other provisions of the order which are injurious to them, endeavour to struggle against the misfortunes which they have so long endured, provided such compensation is assured to them; but if your Majesty should unfortunately deem it proper not to comply with this our humble (and we trust not unreasonable) prayer, then, availing ourselves of the sacred and unalterable laws by which our rights are protected, and which declare that if the Sovereign hath need of the property of any man to employ it for the public good, he shall first make him full compensation for its value according to the estimation of honest men—we, one and all, tender our properties to your Majesty, offering to convey and assure the same to such persons and in such manner as your Majesty may direct, on receiving an indemnity for the value at which they would have been appraised previously to their depreciation by legislative enactments, to be made payable and secured to ourselves and our representatives.

Should this alternative also be rejected, only one course remains for us to pursue. Sincerely attached as we are and ever shall be to your Majesty's person, and glorying as we have done in our dependence on the British Crown, because we have hitherto thought ourselves secured in the enjoyment of our properties by the faith of the British nation—by the force of British laws—and by the sanctity of British justice,—we, with reluctant hearts and most unwilling prayers, request that your Majesty will be pleased to dissolve the connexion which has hitherto united us to the British Empire and bound us in allegiance to the British Crown, and will permit us, either with the protection of Providence or our own exertions, to seek that safety for our lives and security for our properties, which even by this solemn appeal to your Majesty we shall have failed to obtain.

* Clause cxii.

And that the said Petition be forwarded to the several quarters of this Island, so as to give every inhabitant of this Island an opportunity of signing the same; and that afterwards the same be transmitted to our agent for the purpose of being presented to His Majesty, and that a copy thereof be most respectfully transmitted to His Excellency the Governor and Commander-in-Chief of the Island.

Resolved—That a Petition be presented to the House of Lords, praying their Lordships to advise and recommend His Majesty to grant the prayer of the Petition mentioned in the above Resolution; and that the following Petition be adopted for that purpose:—

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the Capitulants, &c., Proprietors, Merchants, and other Inhabitants of the Island of Trinidad, whose names are hereunder written—

Showeth—That your Petitioners have addressed to His Majesty the King, an humble Petition in the following terms:—

[See Petition to the King.]

That your Petitioners are ready to show, by the clearest statements and most unexceptionable evidence, either at the Bar or before a Committee of your Lordship's House, or in such other manner as your Lordships will permit, that the enforcement of the provisions of the Order of His Majesty in Council, mentioned in the said Petition, will subvert the rights, endanger the lives, and destroy the properties of your Petitioners, His Majesty's faithful subjects;—wherefore, your Petitioners most humbly pray that your Lordships will be pleased to institute an inquiry into the premises, in order to give your Petitioners an opportunity of establishing the truth of their allegations; and that thereupon your Lordships will be pleased to recommend to His Majesty altogether to repeal the said Order in Council, or to make such modifications and alterations therein as are prayed for by your Petitioners,—and to enable his Majesty at the same time to make such fair compensation to your Petitioners for the losses they may sustain by the enforcement of the said Order in Council, even when so modified, as may seem just and reasonable; or that your Lordships will be pleased to recommend His Majesty to accept the offer of your Petitioners for the giving up their property at its appraised value, and to enable His Majesty to make provision for the payment thereof; or, finally, if neither of these alternatives are permitted, then that your Lordships will recommend to His Majesty to dissolve the connexion by which the Island of Trinidad is united to the British Empire; and also that your Lordships will be pleased to afford such further and other relief to your Petitioners in the premises as to your Lordships shall seem meet and proper.

And that the said Petition be forwarded to the several Quarters for signature, and afterwards that the same be transmitted by the Committee to our Agent in England, in order that the same may be presented to their Lordships; and that our Agent be authorized, in the name of this meeting, to request some Peers, and if possible, the Earl of Eldon or the Duke of Wellington, to present the same, and also to engage any other Peers who are acquainted with Colonial affairs, or who have distinguished themselves as lovers of justice and protectors of property, to support the prayer thereof.

Resolved—That a similar Petition be presented to the House of Commons, and that the said Petition be forwarded to the several quarters of the Island for signature ; and that afterwards the same be transmitted by the Committee to our Agent in England, in order that the same may be presented to that Honourable House ; and that Mr. Marryat be authorized, in the name of this meeting to request such other members of the House of Commons as are acquainted with Colonial affairs, or who are distinguished as promoters of Justice and protectors of property, and especially the Marquis of Chandos, Sir Robert Peel, and Mr. Hume, to support the prayer thereof.

Resolved—That this meeting at its rising do adjourn until the Committee shall have learnt the result of their humble supplication to His Majesty ; and that in case the same should be unsuccessful, that then a General Meeting of the inhabitants of this island be immediately convened by the Committee, in order to take into consideration the miserable condition to which the inhabitants of this Colony will be reduced, and the extraordinary remedies to which they must then resort, in order to obtain protection for their lives and properties, and redress for their grievances.

Resolved—That a deputation of this meeting, consisting of twenty-five or thirty gentlemen, to be named by the meeting, do wait forthwith on His Excellency the Governor for the purpose of making a strong remonstrance against the enforcement of the clauses of the Order in Council which restrict the hours of labour, and which regulate the number of days for slaves working in their grounds ; and to represent to His Excellency the ruin with which the enforcement of the provisions must overwhelm all the planters in this Colony ; and, without in any manner compromising the rights of the inhabitants of this Colony,—and without prejudice to their Petition to His Majesty, adopted at this meeting, and the Protest resolved to be entered into ; to pray that His Excellency, in consideration of the urgent necessity of the case, and the protection to their property which the Inhabitants of this Colony are entitled to demand of His Majesty's Government,—be pleased to promulgate, without delay, an Order of Government, whereby these provisions may be modified in the following manner, that is—That in crop time ten hours of agricultural and twelve of manufacturing labour be permitted ; and that thirty days be allowed to the negroes, including the four great Festivals—the Proprietors offering to continue on these conditions their present allowance of salt fish.

The following gentlemen were then selected by the meeting to compose the deputation :—

Messrs. SAMUEL.
JACKSON.
LAPEYROUSE.
HUGGINS.
WHITE.
ROB. GRAY.
B. WILLIAMS.
BEGORRAT.

Doctor WALKINSHAW.
Messrs. CRABTREE.
PORTER.
CIPRIANI.
FORGET.
D'ABADIE.
GANTEAUME.

Messrs. BESSON.
THATCHER.
FLEMING.
BOUE.
LOSH.
DE LAFOREST.

Messrs. Dow.
FRED. BROWN.
FARFAN.
BONTTUR.
DUTASTA.
BOISSIERE.

At half past five p.m., the deputation returned, and the meeting having again assembled, the Chairman took his place, and proceeded to address the meeting, nearly as follows :—

GENTLEMEN,

It is my painful duty to inform you that, notwithstanding all the arguments we could possibly make use of, His Excellency the Governor has declined to listen to our prayer. This is a melancholy tale to tell, as it must inevitably bring irretrievable ruin on the inhabitants of Trinidad! I must, however, state that His Excellency urged, as a reason for not complying with any part of our request, that his instructions were positive, and that he had no discretionary power!! It now remains, Gentlemen, for you to suggest such means, or mode of proceeding, as you shall deem proper on the present truly melancholy occasion.

After a few observations from several of the gentlemen present, Mr. Jackson proposed that the present Committee should be strengthened by the addition of thirty or forty more members, with power to add to their number. This motion being seconded by Mr. Scott, and unanimously carried by the meeting, the following gentlemen were nominated :

Messrs. JOHN WILSON.
RAYMOND BONTTUR.
J. C. FORGET.
CRABTREE.
R. BOUE.
DESIR FABIEN.
JAMES BRUNTON.
CIPRIANO CIPRIANI.
JOHN LOSH.
WILLIAM METIVER.
CHARLES SCHULZE.
F. D'ABADIE.
T. R. CORSEIE.
D. HUTCHISON.
GEORGE REID.
JAMES TAYLOR.
J. W. HOBSON.
C. GEOFROY.
B. WILLIAMS.
HENRY DUTASTA.
M. O'M. MORRIS.
JOHN CARTER.
WILLIAM LAKE.
JOHN RAMSAY.
F. J. DANGLADE.
DAVID BART.
ROBERT FLEMING.
WILLIAM MASSEY.

Messrs. F. R. WALLEN.
A. BLASINI.
JOHN BELL.
ALEXANDER JACK.
HUGH FRASER.
GEO. VON WEILLER.
LOUIS BOYER.
A. VASSAL.
THOMAS WHITE.
PAUL VESSINY.
BOYDEN LAMONT.
R. M'CLINTOCK.
A. RADIX.
N. BEAUBRUN.
GEORGE ARMSTRONG.
HENRY A. FITT.
P. R. GEO. BERTETE.
ROBERT DICK.
JOHN CONDON.
Doctor O'CONNOR.
Messrs. J. B. NAVET.
C. GEROLD.
FRANCOIS MATHIEU.
JOSE MANUEL FARFAN.
FRANCISCO DE LEON.
JOSE MARIA HERNANDEZ.
JOSE DE OROSCO.

These Resolutions; as well as the Protest and Petition, are reproduced at full length, because they show how very strong a case was

made out for an exemption of Trinidad from the operation of the Order in Council had it been possible for the Imperial Government to make any distinction whatever between the different Slave Colonies*.

The surprise of the Chairman at the manner in which the deputation had been received seems somewhat assumed, for a request to postpone an Order in Council of a very similar nature, had met with the like fate at the hands of a former Governor, and it was hardly likely that Sir Lewis Grant would assume a responsibility declined by Sir Ralph Woodford.

The leaders of the movement in opposition to the Order in Council felt the necessity of strengthening their position in every possible way, and therefore, setting aside their prejudices for the nonce, they endeavoured to enlist the sympathies of the free coloured proprietors, From the following letter, which was published in the *Port-of-Spain Gazette* of the 28th January, 1832, it would appear that that respectable body, which was rapidly gaining both wealth and influence was not at that time disposed to take any part in the agitation:—

To the Editor of the "Port-of-Spain Gazette."

SIR,

We herewith beg to hand you the copy of a letter addressed to the Secretary of the Committee of the inhabitants, which we request you will insert in your next number for general information.

We are, Sir,

Your most obedient Servants,

Port-of-Spain,
28th January, 1832.

P. R. GEO. BERTETE.
T. R. CORSBIE.

[COPY.]

PORT-OF-SPAIN,
27th January, 1832.

SIR,

By the *Port-of-Spain Gazette* of the 18th instant, we are informed that at the Public Meeting of the inhabitants of this town held on the

* It is curious to observe how on this occasion, colonists of English birth or descent did not hesitate to appeal to the terms of the Capitulation and the text of the Spanish Law, both of which they were as a rule, most anxious to ignore.

6th, we were nominated members of the "Trinidad Standing Committee."

Our occupations in the country have prevented us from taking an earlier opportunity to acquaint you that we cannot, consistently with the line of conduct which we have prescribed for ourselves, accept of the honour which the meeting has been pleased to confer upon us.

It will at all times afford us pleasure to cooperate with you in every measure in which you may consider our humble assistance useful to the general interest of the community of which we are members, but as we differ in opinion with the meeting upon the general policy of its Resolutions, and considering that our duties in the Committee must necessarily be governed by the spirit of those Resolutions, and would consequently be at variance with the sentiments which we entertain, especially on the subject of the obligations which bind us to the British Government, we are therefore constrained to decline a distinction which on a different occasion we should have cheerfully accepted.

We have the honour to be,

Sir,

Your very obedient Servants,

NOLY BEAUBRUN.

P. R. GEORGE BERTETE.

T. R. CORSBIE.

J. B. NAVET.

HY. SCOTT, Esq.,

Secretary to Committee of Inhabitants.

It is easy to understand this line of conduct on the part of the free people of colour. They had not forgotten the treatment they had received at the hands of General Hislop, in spite of the admitted proofs of loyalty which they had only just before given at what was at the time believed to be a moment of serious danger,* and they had moreover but too little reason to be satisfied with the general policy pursued towards them as a body, for they had observed with considerable alarm that in every representation made to the Imperial Government with the view of obtaining a change in the Constitution of the Colony, they were altogether ignored. They saw that unless they persistently kept in view the special mention made of them in the 12th article of the Capitulation, their position instead of being bettered would be seriously affected for the worse, if the

* See Vol. I., Chap. XXI.

Spanish Law was abrogated and English (Colonial) Law introduced in its stead—and therefore they were by no means anxious to show sympathy with any political demonstration organized by the dominant class.

It is difficult not to believe that the extreme politeness of the letter they addressed to the Secretary of the Committee was intended to be ironical. It was only when driven by the serious difficulties with which they believed themselves to be threatened, to seek for aid on all sides, that the white inhabitants remembered that there were others in the Colony besides themselves, whose interests were identical with their own, whose future was as much endangered by the proposed Legislation as theirs, and who owned Estates, to form and keep up which they had worked at least as hard as they had done. In the days when the tide of popular feeling in England which was setting towards Emancipation had not yet gathered much strength these men had been sneered at and despised by the new white settlers, and now that these latter wanted help and support at the hands of the free people of colour they had no right to be surprised that their advances were civilly but firmly repelled.

That the Committee appreciated some at any rate of the motives which had dictated the letter of the representatives of the free people of colour is clear from the following answer :—

PORT-OF-SPAIN,

6th February, 1832.

GENTLEMEN,

I duly received your communication of the 27th January, addressed to Mr. Scott, and laid the same before the Committee.

In reply I am directed to state, that the members of the Board are well aware that the enactments contained in the Order in Council of the 18th of March, 1829, by removing all civil and military disabilities from His Majesty's subjects of free condition, but of African descent, have placed those persons in a more advantageous position than they could ever hope to attain under the protection of any other Government, and that consequently the injury which will result from the operation of the Slave Code of November, 1831, may not in their estimation counterbalance the advantages they derive from that political boon.

The Committee therefore, fully appreciating the sentiments which guide your request, have directed me to withdraw your names from the list of

members of the Board ; and in the same spirit of good-will which directed your nomination have desired me to express the satisfaction they experience in knowing that every benefit which may follow their exertions, must be equally shared by every class of His Majesty's subjects.

I am, Gentlemen,

Your most obedient Servant,

GEORGE REID,
Secretary.

MESSES. P. R. BERTETE.

T. R. CORSBIE.

As will have been gathered from preceding chapters, the agitation against the Order in Council of 2nd November was unaccompanied in Trinidad by those scenes of violence which unfortunately were only too common elsewhere, but it was yet serious enough to cause great disquiet.

Unfortunately, there is always a class of men everywhere to be found, who make a trade of politics, and, who finding their food more easily in troubled waters than anywhere else, render it their business to provoke and keep up as much personal and angry feelings as possible, to serve their own ends. There is also that most pestilential nuisance, the busy body, who imagines he has a panacea for all political diseases, and who, especially in small communities, seriously hampers the work of practical men. It may well be believed that neither of these two classes were unrepresented in Trinidad in the year 1832.

The columns of the *Port-of-Spain Gazette*, which at that time was very ably conducted in the interests of the Slaveowners, were filled with articles and letters upon the all engrossing topic of the day. Early in March, 1832, the news (greatly exaggerated, as it afterwards turned out) of a rising of the Slaves in Jamaica reached Trinidad and called forth the following letter :—

To the Editor of the "Port-of-Spain Gazette."

SIR,

The awfully afflicting intelligence which has been received from Jamaica, stating the unprecedented sacrifice which the free inhabitants have been compelled to make of the negro population, must surely rouse

the dormant feelings of the settlers in this Island, as it can no longer be questioned that the dreadful calamity has been the work of "The Saints," in the hope of effecting the fiend-like object which they have so long had in view, but a merciful Providence has defeated their obvious intentions. Therefore, let us now, under the same Divine Protection look to ourselves, as surely no further warning can be necessary.

I would therefore suggest that the actions of the emissaries of the "Saints" who are now in this Colony, should be strictly watched, and on the detection of any well authenticated act which may have a tendency to lead to dangerous results, let the community at once take upon themselves to exercise summary and severe justice; and in such a manner as will strike with terror, the remainder of the infamous gang of vipers whom we are now fostering amongst us.

We have no time to lose. Let every man be on his guard, and let the moment of detection be the signal for punishment.

FORE-WARNED, FORE-ARMED.

This letter was nothing less than a recommendation to introduce Lynch Law into the Colony for the express benefit of the "Saints," a nick-name given to all who approved or advocated the views of the Anti-Slavery party. In the days of Picton no newspaper would have dared to publish such a letter, and even under the milder reign of Sir Ralph Woodford its publication would have been attended with risk, and would certainly have caused at least a temporary withdrawal of the printer's license. The effects of the change in the Constitution were already becoming apparent. The reign of cliquism had begun, and as the sentiments expressed in the letter were those of the dominant party, no notice was taken of what was nothing less than a direct incentive to lawless violence.

At the same time the Government was forced to carry out the instructions of the Colonial Office, and as a counterpoise to the *Port-of-Spain Gazette* another newspaper was started which was called the *Royal Gazette*, and was looked upon as the organ of the "Saints." The new paper very shortly after its appearance showed unmistakable signs of being devoted to that party which since the days of Hislop had been striving to oust the old settlers from their position and to establish a British and Protestant party in their place. The fact is, that although a community of interests forced this latter party into connexion with the older settlers in order to oppose the Imperial policy, they never lost sight

of their main object, which was to get the control of local affairs into their own hands. Catholic Emancipation, it is true, had been carried through the British Parliament, but bigotry and prejudice against all foreigners and especially against Roman Catholics were still characteristics of the average Englishman, and an opportunity soon occurred which enabled the British Party in Trinidad to strike a blow in favour of their pet project.

In the year 1813, when the success of the bold expedition of Santiago Mariño from Chacachacare (Vol. I., ch. xxiv.) had rekindled the all but extinct Revolution in Venezuela, a large number of Royalists had fled from that Country and taken refuge in Trinidad, where they had met with a most cordial reception from Sir Ralph Woodford, then recently appointed Governor of the Colony, whose predilections were certainly in their favour.

Amongst them was Don Francisco Llanos, a native of Caracas and a lawyer of high standing in the Courts of that Province. His reputation had preceded him, and shortly before the arrival of Sir Ralph he had obtained from General Munro a license to practise his profession in the Colony. That he subsequently acquired the respect and esteem of the community may be gathered from the following very complimentary letter :—

Sir Ralph Woodford to Dr. Llanos.

ST. ANN'S,

25th April, 1823.

MY DEAR SIR,

It being my intention to appoint to the seats now vacant in His Majesty's Council, I have the honour to offer you one of them. Should you do me the favour to accept, I am sure that the service of the Colony will be as much benefited as I shall be gratified by your assistance therein.

I have the honour to remain, &c., &c.,

RALPH WOODFORD.

Dr. Llanos retained his seat at the Council until it was dissolved as a Council of Advice in December 1831, and was re-appointed to it as an Unofficial Member under its new form. It was therefore a matter of no small surprise to the community (except to those who

must have been in the secret) when, very shortly afterwards Mr. Burnley from his place at the Board, challenged the legality of the nomination of Dr. Llanos on the ground that the latter was not a British subject, basing his objection on the Alien Act which declared that :—

“No person born out of the kingdoms of England, Scotland, or Ireland or the dominions thereunto belonging (although he be naturalized or made a denizen, except as one born of English parents) shall be capable to be of the Privy Council or a Member of either House of Parliament, or to enjoy any place of trust, either Civil or Military, or to have any grant of land, tenements or hereditaments from the Crown, to himself or to any other or others in trust for him.”

Mr. Burnley's conduct in this instance was all the more remarkable that he had sat with Dr. Llanos at the Council Board for years, (when it was known by another name) and had never made any objection to him on the score of his being a foreigner, and it is hard to believe that Sir Lewis Grant, who although a brave and distinguished soldier, was a most timid Governor, had not referred his list of new Councillors to the Secretary of State before naming them. However this may have been, the point now raised by Mr. Burnley was submitted for the decision of the Minister. The result, so far as it affected Dr. Llanos, will be seen from the following correspondence which subsequently passed between His Excellency and that gentleman :—

Sir Lewis Grant to the Hon. Dr. Llanos.

GOVERNMENT HOUSE,

6th August, 1832.

SIR,

I have the honour to transmit to you an extract from a despatch of the Right Hon. the Secretary of State, conveying His Lordship's instructions upon the question raised in the Council of Government as to your eligibility to sit at that Board, not being a British subject.

I beg to assure you of the deep regret I experience in being thus deprived of your valuable assistance, and I request you will accept my best thanks for the good counsel and support I have received from you as a member of the former, as well as of the present Board of Council.

I have the honour, &c.,

LEWIS GRANT.

[EXTRACT.]

"I have received your despatch dated the 24th March (No. 21), respecting the objections made by Mr. Burnley to the qualifications of Dr. Llanos and Mr. Peschier to act as Members of the Legislative Council at Trinidad.

It appears to me that the objection to Dr. Llanos admits of no answer ; that he is an alien is not disputed ; and the legal inference is plain, that he is not competent to hold such a trust as that of a member of a Legislative Body within His Majesty's dominions.

The answer "that he has already filled various offices equally incompatible with his character as an alien" proves only that the Law was negligently administered.

Much as I regret the loss of the services of Dr. Llanos, it is impossible for me to resist such an objection as the present, when distinctly brought under my notice."

GODERICH.

The action taken by Mr. Burnley had greatly alarmed and offended the settlers of foreign descent, and the letter of the Governor with the extract from Lord Goderich's despatch did not tend to mend matters. Already their fears had been excited early in the year by a passage in the Proclamation announcing the change in the Constitution of the Colony, which was thus worded :

"And our said Governor is further enjoined not to propose or assent to any Ordinance whatever for the naturalization of aliens, or for the divorce of persons joined together in Holy Matrimony, or for establishing a title in any person to lands or other immoveable property, acquired by any alien before his or her naturalization."

The vagueness of these words caused them to be regarded with suspicion, and this feeling was much augmented by an article which appeared in the *Royal Gazette*, in which the "aliens" were told that they should remember they were only in the Island, and allowed to hold property therein, on sufferance.

The cause of the "aliens" was warmly taken up in the *Port-of-Spain Gazette*. In its issue of the 14th March, 1832, an able letter appeared, showing the illegality as well as bad policy of treating settlers of foreign descent differently to the other subjects of the British Crown.

The following extracts from that letter, which was written in French, are quoted because they have not yet lost their application in a Colony largely composed of persons of foreign extraction, and in which there are always certain persons in whom an affectation of being ultra English is frequently unpleasantly perceptible.

The letter commenced thus :

Au Rédacteur de la Gazette du Port d'Espagne.

MONSIEUR,

“ Une grave question soulevée à la publication de la Proclamation du 5 Janvier, 1832, avait jeté l'alarme parmi les habitants étrangers de cette Colonie ; cependant les démarches faites auprès de Son Excellence le Gouverneur, une réponse presque rassurante de sa part, et l'espoir d'obtenir bientôt du Gouvernement de Sa Majesté une explication sur le véritable sens de cette Proclamation, avait calmé, si non dissipé, les inquiétudes et les craintes. Mais les réflexions de la *Gazette Royale* du 7 de ce mois sur le “sort précaire” des étrangers à la Trinidad, nous ont tiré de cet état de quiétude auquel on s'abandonne si volontiers sous ce climat.

Il s'agit pour nous d'être ou de n'être pas. Nos droits sont réels et appuyés sur des lois qui nous ont protégés jusqu'à ce jour, ou ils n'existent que dans une bienveillance passagère que le gouvernement Anglais nous a accordée et qu'il peut nous retirer à son gré.....

Or, remontons à la source et voyons si l'acte du gouvernement Espagnol qui a appelé ici les étrangers en 1783, qui y a protégé leur établissement, n'a pas conservé toute sa force sous l'administration Anglaise, si ce même acte n'est pas invoqué et si ses dispositions ne sont pas reproduites dans plusieurs Proclamations publiées dans cette Colonie au nom de Sa Majesté Britannique.”

The writer next quoted those clauses of the Cedula of 1783 by which the status of foreign settlers was defined,* and then proceeded :

“ En 1797 la Trinidad fut conquise, et dans la Capitulation qui livra l'île aux Anglais il fût stipulé que les lois Espagnoles et les droits qu'elles consacraient seraient respectées ; que les personnes et les propriétés seraient garanties..... Elle, (la Colonie) fût régie par des Ordres en Conseil et des Proclamations Royales qui y introduisaient suivant l'exigence des cas, des modifications aux anciennes lois ou en r'appellèrent l'exécution. Mais aucun ordre, aucun règlement n'a modifié ou annulé la Cédule Royale de 1783 ; au contraire..... il sera facile de voir que cette Cédule a été considérée comme loi fondamentale, et invoquée, quand il a fallu, dans des occasions importantes, statuer sur les propriétés et les personnes.....”

* The Cedula is printed as an Appendix.

The Proclamation of 5th December, 1815, was cited to show that the Cedula of 1783 was held to be binding, and then came a long quotation from the Report of the Commissioners on the Administration of Justice to the same effect.

“Il serait inutile,” continued the writer :—“De se livrer à des plus longues recherches sur les lois qui assurent ici aux étrangers établis depuis cinq ans la paisible possession de ce qu’ils ont acquis par leur industrie et leur travail. Elle leur est garantie par la Cédula Royale, la Capitulation, la jouissance depuis leur séjour ici des droits civils et politiques que toutes les administrations qui se sont succédées leur ont reconnues, enfin par la loyauté du gouvernement Anglais et son respect inviolable pour les lois qu’il a établies ou sanctionnées.

Nous nous demandons si la Proclamation du 5 Janvier, 1832, a abrogé la Cédula Royale ? Non—Lorsqu’on a enjoint au Gouverneur de ne point faire de loi qui prononça le divorce entre personnes mariées, ou qui accordât la naturalization à aucun étranger, et enfin, “*or for establishing a title in any person to lands or other immoveable property acquired by any alien before his or her naturalization,*” l’intention du Gouvernement n’at-elle pas été de maintenir les dispositions de la Cédula Royale et de ne point accorder aux étrangers d’autres droits que ceux dont ils étaient déjà en possession ? Au reste cette Proclamation qui n’est qu’un extrait des instructions de Son Excellence le Gouverneur, n’abroge ni confirme aucune loi. Elle laisse les choses en *statu quo*. C’est à tort qu’on trouve au paragraphe cité de cette Proclamation un sens contraire aux droits des étrangers.

Disons le, sans crainte d’être contredit : la portion de la population que l’on désigne aujourd’hui sous le nom des “étrangers” n’est pas par son importance numérique, sa fortune, et son industrie, la fraction la moins intéressante de la Colonie. On a compté dans son sein (avant que les propriétés Coloniales fussent tombées au point où elles le sont aujourd’hui) les fortunes les plus réelles et les plus brillantes.

Elles étaient les fruits de longs travaux ; leurs possesseurs les avaient élevées sans le secours des capitaux de la Métropole. Ces mêmes étrangers ont remplis ici des charges publiques, des emplois honorifiques, tels que ceux de Commandant de Quartiers, Alcaldes, Regidors, Officiers de Milice et autres, et ont toujours justifié par leur sentiments et leur conduite la confiance qu’on avait placée en eux. La Colonie doit à leur industrie ses années de prospérité. Si, moins occupés du soin de leurs fortunes et de leurs affaires ils eussent recherchés ces places que l’estime des chefs les ont souvent appelés à remplir malgré eux, ils seraient aujourd’hui en position, par leur influence, de repousser victorieusement les attaques qu’on dirige contr’eux.

Mais, obscures et retirés, s’ils attendent dans le silence le retour d’un temps meilleur, ils ne sont pas moins attentifs à veiller sur leurs droits et savent qu’on ne fait pas en vain un appel à la justice et à la loyauté du gouvernement de Sa Majesté Britannique.”

This letter had for a time calmed the fears of the foreign element in the Colony, but as may be supposed, the action taken by Lord Goderich with regard to Mr. Burnley's motion gave great offence to the old colonists who had been accustomed to a policy so widely different from that which was too evidently now to be inaugurated.

As soon as the contents of the Governor's letter to Dr. Llanos became known, a very able article appeared in the *Port-of-Spain Gazette*, which was followed by a letter to the Editor of that paper of which the following are the principal passages :—

SIR,

“ We have perused with interest the article contained in your valuable paper of the 18th instant concerning Dr. Llanos, and your judicious observations on the subject.

Since the conquest of the Island in 1797, the portion of His Majesty's subjects of late stigmatized by the name of “ Aliens ” had enjoyed the protection of the British Government to the same extent as either the British born subjects or the Capitulants. This system originated with Picton, the pride of Great Britain, Picton the true British soldier who paid for his military honours with his blood, and who died on the field of battle, crowned with glory ! He gave to foreigners every encouragement. The same system was acted upon by Governors Hislop, Munro, Sir Ralph Woodford, and the late acting Governor, Sir Charles Smith

On the 5th of January last a Proclamation was issued, the result of which was to withdraw the protection hitherto enjoyed by the aliens.

The British Government certainly had the right not to have received aliens, or to have imposed such restrictions as might have been deemed proper ; but they were received unconditionally, and for thirty-five years the legality of the measure was not brought into question ; to impose after such a lapse of time, conditions evidently not contemplated at first sight, would be a breach of national faith.”

22nd August, 1832.

AN ALIEN.

Of course, strictly speaking, Lord Goderich was right ; no “ alien ” could legally form part of the newly-formed Council, no matter how large his stake in the Colony, no matter how valuable might be his services from his age, position or experience. Formerly the Governor's instructions authorized him to select for his Council of Advice any person whosoever from amongst the inhabi-

tants of the Colony whom he might choose. That this had been the case had always been a very sore point with the British Party. Their turn had now come, and they were about to enter upon that long period of absolute dominion over the Island, and monopoly of all it afforded in the way of place and profit, the different episodes of which will occupy the history of the thirty years which followed the removal of Dr. Llanos from the Board of Council.

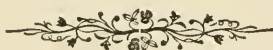
With the change in the Constitution there had also come a change in the policy of the Government with regard to the position of its higher officials, which brought about a result probably not foreseen at the time. This was made known in a despatch from the Secretary of State, the following extract from which was published by the Governor for general information :—

DOWNING STREET,
27th May, 1831.

“ No claim to compensation for loss of Office can be considered to arise in the case of any Public Officer who shall have engaged himself in trade or agriculture during the period of his service. Henceforth, every person entering the Public Service in Trinidad, must be previously divested of property in plantations within the Colony, or in agricultural slaves, wheresoever situated ; and every judicial and legal Officer of the Crown, except the judicial assessors in the Criminal Court, must, although not now taking Office for the first time in the Colony, divest themselves of such property above mentioned within two years of the date of your receipt of this Despatch.”

No doubt in principle this was quite correct ; at a moment when the whole labour system of the Colonies was about to be swept away in spite of the reiterated remonstrances of the colonists, it would have been difficult, if not impossible to carry out the intentions of the Imperial Government if Public Officers in the Colonies were allowed to retain a kind of property which was seriously imperilled by the contemplated change, but the new regulation produced also another, and an unfortunate result in Trinidad. The chief functionaries of the Colony ceased to have any other stake in it except the fact of their salaries being drawn from its Treasury, and from that day a feeling sprang up amongst the colonists, often exaggerated, but never totally without some ground for its existence, that the Government, as represented by these Officials was as it were

foreign to the Island, and that measures were introduced either from personal motives or merely from expediency, and not from any real desire for the common good. Hitherto the members of the Government, with rare exceptions, had been persons largely interested in the Colony, and who therefore were bound to exert themselves to the utmost to advance its progress in every possible way, but all this was now to be changed, and the Public Service was to be hampered with conditions that must almost inevitably cause it to be largely recruited from outside.





CHAPTER XVIII.

SIR LEWIS GRANT, who seems to have had very little administrative ability and no force of character whatever, had become extremely unpopular with the proprietary Body from no particular fault of his own, but because he was the instrument by means of which the detested Order in Council was to be carried out. An opportunity was given of showing this feeling in a marked manner at a Levée held by him on St. George's Day (23rd April) 1832, on the occasion of the opening of the new Government House in St. Vincent Street (now the Treasury Buildings). It was attended by no one but Officials and Officers of the Regular Forces and such Officers of the Militia as were unable to put forward a plausible pretext for absenting themselves. A few days later the following appeared in the *Port-of-Spain Gazette* :—

At a dinner* at which the *Friends* of Trinidad assembled to celebrate St. George's day, the following Toasts and Sentiments were proposed by the Chairman, and drunk with *enthusiasm*.

KING WILLIAM the Fourth—May he see through the machinations of our enemies, and reward as they deserve, the drivelling fools and meddling knaves who have reduced the Island to its present state.

Air : “ *Here's a health to the King, God bless him.* ”

SIR CHARLES SMITH—The bold and open hearted English veteran ; may his Sovereign duly appreciate his merit ; may his memory ever be revered amongst us ; long may he live, and happy may he be.

Air : “ *Charley is my darling.* ”

THE HON'BLE THE CHIEF JUDGE.—May he continue to evince the same firmness, decision and impartiality, together with that deference to the feelings of an

* As neither the names of the persons assisting at the dinner nor the place where it was held are mentioned it is probable that this was a political squib but it is interesting, as showing the state of public feeling at the time.

oppressed and (consequently) impoverished community which he has already manifested ; and may he speedily reform the gross abuses which exist in our Law Department.

Air : "*Draw the sword, Scotland.*"

THE ILLUSTRIOUS BOARD OF CABILDO—*Our independent Representatives* ; may they never swerve from the upright and honorable course they have hitherto pursued ; one which has gained for them the heartfelt thanks of a grateful people.

Air : "*If ever fondest prayer availed.*"

TRINIDAD—May she again be as she once was ; free from *Saintly* sycophants, and dastardly panders to power ; from hidden enemies and false friends. (Nine times nine.)

Air : "*Oh had we a bright little isle of our own.*"

THE MARQUIS OF CHANDOS, Mr. MARRYAT and the other Noblemen and Gentlemen who lately advocated the cause of justice and the Colonies, with such generosity and ability.

Air : "*When all around was drear and dark.*"

A new and *independent* Ministry—May the speedy downfall of the present one terminate the ungodly compact between political Sinners and hypocritical *Saints*.

Air : "*An old woman clothed in Grey.*"

The sufferers at Jamaica—May the Almighty relieve and protect them ; and may they live to see retributive justice inflicted upon their *sanctified* slanderers.

Air : "*My lodging is on the cold ground.*"

Those noble and independent individuals at St. Lucia, lately suffering imprisonment under a false charge of high treason.

Air : "*When William Tell was doomed to die.*"

The *Aliens*—May their wrongs be speedily redressed ; and may the foulest stain that ever fell on British honour and British hospitality be quickly and thoroughly removed.

Air : "*O send Lord Lewis Gordon home.*"

The sufferers by the "Barbados Slave Act"—May they receive full and speedy compensation.

Air : "*There is a land beyond the wave—
Where justice still exists.*"

The speedy repeal of the Code Noir—May the 121 pronged scourge* invented by the *Saints* for our destruction, be rejected in the sister Islands.—(6 times 6.)

Air : "*Oh the blessings of our Statute Fair.*"

Several other toasts followed ; all expressive of the fervent wishes of those present, that the grievances under which this miserable Colony suffers, might speedily be removed by the interference of our Gracious Sovereign, thro' the representation of our tried friends the Standing Committee.

N.B.—We are requested for fear of any mistake to inform the community that we do not mean to insinuate that any or either of the foregoing toasts were drunk at St. Ann's.

* There were 121 Clauses in the Order in Council of November 5th, 1831.

It will be noticed that the third toast was in honour of the Chief Judge. This was the Hon. George Scotland who had recently arrived to fill the post which had become vacant by the death of Mr. Ashton Warner, and who was for the moment enjoying a popularity which he was very soon to lose.

Under the provisions of the "Code Noir," as the Order in Council of 5th November, 1831, was derisively called, any Slaveowners who ill-treated their slaves were liable to prosecution in the newly-established Criminal Court at the suit of the Attorney-General. This was one of the most unpopular features of the new legislation and was deeply resented by the proprietors of slaves who complained that the great majority of the cases brought before the Courts were frivolous and vexatious. To judge from such records as still remain, this complaint, it is but fair to say was well-founded. Over this Court, which was somewhat peculiarly formed, the Chief Judge presided, having the assistance, as Assessors, of the Governor's Assessor and one of the two Alcaldes of the Cabildo.

On the 1st May, 1832, the Court sat for the transaction of business, the Alcalde on that occasion being Mr. Frederick Brown. The first case called was that of the King *vs.* Vesprey in which the defendant was charged with having switched a female slave for gross impertinence coupled with obscene gestures. The Attorney-General having opened his case, was about to call his first witness when Mr. Brown from his seat upon the Bench spoke as follows :—

"I have attentively read the *Sumaria* (depositions) in this prosecution—perhaps the word persecution, would be more applicable.

Criminality, it appears to me, attaches more to the audacious slave population instigated and encouraged as they are by this mode of frittering away the time of this Court, of the Court of Criminal enquiry, of the witnesses, and (a matter of far more consideration) all to the great detriment of their owners' interests, whose authority they are made to defy, and whose ruin they are made to attempt, not to mention the extraordinary expense fixed thereby on this impoverished country. It is to be regretted that those whose official appointments compel the exhibition of so much zeal and alacrity on one side, are exempted from the responsibility of their proceedings in such cases as the present may occasion.

I respect every one who does his duty conscientiously, and observe, that as I attach blame to none, I feel myself entitled to an equal claim to justice in declaring that I shall never be made a tool to injure the inhabi-

tants of this conquered Colony, and shall therefore quit this Bench without a vote on the present occasion, as I shall do on every future similar case that may appear before me. In thus saying and acting, I beg to state to my colleagues that no disrespect is meant to them."

As soon as he had finished speaking, Mr. Brown bowed to the Bench and retired.

This unexpected incident took the Court and all present by surprise, but after a consultation with the remaining Assessor, the Chief Justice stated that in the absence of the Alcalde the trial could not proceed, and suggested that Mr. Bushe the other Alcalde should be sent for, in order to constitute a Court for the hearing of the other cases on the List. The Escribano* went in person to search for that gentleman, but shortly returned and stated that pressing business prevented him from attending. The Court was therefore perforce adjourned.

The conduct of Mr. Brown on this occasion was highly extolled in the *Port-of-Spain Gazette* in an article headed "A Noble Act." This greatly incensed the Chief Justice, who, failing to obtain from the Editor the name of the writer of the article, was so ill-advised as to make an Order that no more Court advertisements were to be given to that paper.

The Governor feeling the necessity of taking some steps in so serious a matter, called an extraordinary meeting of the Cabildo, at which the following documents show what occurred :

CABILDO HALL,
22nd May, 1832.

At a Meeting of the Illustrious Board of Cabildo held this day ; it was ordered that the following documents be published in the *Port-of-Spain Gazette*.

PHILIP D. SOUPER,
Dep. Sec. Cabildo.

(No. 1.)

Address delivered by His Excellency the Governor to the Board on the 15th instant.

HONOURABLE GENTLEMEN OF THE ILLUSTRIOUS BOARD OF CABILDO,

It is not my intention here to enter into any minute discussion of certain events which have taken place in the Court for the Trial of

* Registrar.

Criminal Prosecutions, where the two Alcaldes of this Board are *ex officio* Judges on the Bench. I will only observe that on one occasion of a Slave Prosecution the Second-Alcalde took his seat on the Bench and quitted it before the Trial was proceeded with; the other Alcalde was not present; there of course remained no Court. On a subsequent occasion, the First Alcalde intimated to the Chief Judge that he declined taking his seat on the Bench in a certain Slave Prosecution which was about to come on.

It is impossible to approve of any member of a Court adopting so strong a measure as rendering the Court invalid by his withdrawing himself from it. If this was consistent, it might be resorted to in the most aggravated cases of murder, or other heinous offence.

My opinion of what should have been the duty of the Alcaldes on these occasions is, that they in justice, and out of respect to the Courts of the Colony, were bound to have taken their seats and given judgment according to their oaths and conscience; and if any wrong or improper presentation was brought forward, it is more than probable, and it is reasonable to expect from the dignitaries of a Bench, that they would have marked their disapprobation by their sentence and from the proper place. As, however, the nature of the Courts is to undergo an immediate change, and that before either of the Alcaldes shall be called upon again to sit in judgment, I shall forbear saying any more on the subject, except to express my hope that the Members of this Illustrious Board will see with me the serious consequences of nullifying the Courts of Justice of the Colony by any act or deed of theirs, or of any individual belonging to it.

LEWIS GRANT.

(No. 2.)

To the Honourable Members of the Illustrious Board of Cabildo.

GENTLEMEN,

I have received a Copy of the Address of His Excellency the Governor to your Illustrious Board, wherein His Excellency makes some reflections on the conduct of the two Alcaldes.

As my reasons for declining to take my seat on the Bench, on the occasion alluded to by His Excellency, are fully detailed in a Correspondence which I have had with the Honourable the Chief Justice, I think the shortest and most satisfactory way to give an explanation of my conduct is to lay Copies of the Correspondence and the Sumarias of the Causes which gave rise to it, before your Illustrious Board. These will be found annexed.

To these documents, I have little to add, but I cannot refrain from saying in answer to His Excellency's remark, "that the Alcaldes might render the Court invalid by withdrawing from it in the most aggravated cases of murder or other heinous offence," that such observation

cannot apply to me, as I have gratuitously dedicated a considerable portion of my time to the duties of the situation to which you did me the honour of appointing me, and on no previous occasion since I have had a seat on the Bench, has the public business been impeded for want of the attendance of the Alcaldes; but when I inform your Illustrious Board, that within the last fortnight there have been no less than seven Prosecutions for the most trifling offences, and that each of these prosecutions will, as I am given to understand, cost the country on an average, at least £150, I trust your Illustrious Board will view favourably my endeavour to put an end to a system, which must, if persisted in, involve this unfortunate Colony in irremediable ruin. And I humbly conceive that His Majesty's Council could have had little idea of the mischief or the enormous expense likely to ensue from the 115th Clause of the Order in Council of November, 1831, which directs, "that all offences amounting to misdemeanors shall be tried in the Supreme Court of the Island," especially as offences of a much more serious nature are every day decided without any expense whatsoever to the community by the Court of the Alcaldes in Ordinary.

I have the honour to be,

Gentlemen,

Your most obedient humble Servant,

ROBERT BUSHE,
First Alcalde.

Copy of the First Alcalde's Letter to the Hon'ble the Chief Justice.

PORT-OF-SPAIN,
5th May, 1832.

SIR,

I have received the Sumarias in the three Criminal Prosecutions against "Antoine Houllier," "Conception Castinada," and "Amable Dessources," which are set down for hearing for Monday the 7th instant, and have attentively considered both the charges made against those parties and the evidence by which those charges are supported. I cannot suppress my opinion that these and similar prosecutions are of a nature likely to involve the Colony in great expense and to promote and increase that bad feeling which already exists between Master and Slave, and not to be attended with any beneficial results to the Slave population. I feel myself therefore called upon as an honest man, having at heart the true interest of this unfortunate Colony, to enter my solemn Protest against all such proceedings in future.

I trust this refusal may not be construed into any disrespect towards you or the other Members of the Court ; nothing I can assure you can be further from my intention, and no person can more highly appreciate both your character and great abilities.

I have the honour to be, Sir,

Your most obedient humble servant,

ROBERT BUSHE,
First Alcalde.

Copy of the Hon'ble the Chief Justice's Letter to the First Alcalde.

PORT-OF-SPAIN,
6th May, 1832.

SIR,

I beg to acknowledge the receipt of your Honour's favour of yesterday, in which you communicate to me your intention not to be present at the three trials fixed to be heard to-morrow in the Criminal Court. You are of course aware, knowing as you well do the occurrences of last Tuesday, that your absence to-morrow will have the effect of preventing the sitting of the Court ; the Second Alcalde having before signified his determination not to appear. No doubt you are at liberty, subject to the heavy responsibility which hangs over the conduct of all Judicial Officers, to exercise your own discretion on this subject. But I must beg leave to express my regret that your Honour, using your better judgment had not come to a different decision in the matter. I am, I confess, grieved at your determination, not only because it has the appearance of unfairly prejudging the three cases for trial, with the facts and law involved with which you can at present, before the trials, be very imperfectly acquainted, but also because your conduct implies clearly a distrust of the honour, integrity, and impartiality of those Members of the Criminal Court whom you would be likely to meet to-morrow, and assumes, as in another quarter appears also to have been done, that the two Senior Members of the Court were but mere instruments, ready to carry forward any ill-judged prosecution which mistaken or crafty zeal might bring before them to be judicially disposed of, and that all the intelligence and honesty of the Court are to be found in those Members alone who are deputed by the Cabildo, and who ought not therefore to expose themselves singly to be over-ruled by a majority, which the combination of the other two might set up against them. These appearances are I trust, not your real sentiments. I am sorry for your decision also on another ground, because it has, to my view, a still worse feature—it has the semblance of *Combination*—it lends your respectable name to a proceeding, making it apparently systematic, the effect of which assuredly will be, by bringing the administration of justice into contempt and disgrace to compromise the most important

interests of this Colony.—This is a result which no man of common sense can wish for, which you, in common with every other respectable individual cannot fail to deprecate, and which in your character of a Criminal Judge, you are bound in duty to do your utmost to prevent.

Your Honour will excuse the frankness with which I state my impressions on this subject; they are my genuine feelings and the matter is of the utmost importance. I have no interest in what is attempted, I observe to be made a sort of party question, nor any wish but for the general happiness and prosperity of the community. The nature of my duties entirely precludes me from taking any share (even if I were, as I am not, inclined to meddle with them,) in party questions in the Colony. I have nothing to attend to but a plain line of duty; to carry into effect, in the best mode in my power, the laws of the country, as they actually exist; to do this with effect, the respectability of the Tribunals and the credit and authority of the Judges must be upheld, and this, so far as my means extend, I am determined to accomplish, by protecting them, in every way in my power, from insult and degradation, even should the attack come from any of their own members. I shall fearlessly pursue this course, and the vilifying me in the party Newspapers of the Colony will not have the smallest effect in deterring me from it. This is a matter quite distinct in principle from any party question with which it may be attempted to mix it. As to the impropriety and bad consequences of prosecuting trifling, paltry cases under the Order in Council, I have already offered my opinion to the head of the Executive Government, and have even stated it publicly; but this is quite another question. It is not because such ill-judged prosecutions may be sometimes brought that therefore any individual, be he who he may, is justified in treating the most important public institutions with contempt and attempting to degrade Public Officers who are in the painful and honest discharge of their arduous duties.

I have troubled you at greater length than I intended. I cannot, however, conclude without thanking you for the polite tone of your letter, and that you have taken this mode of conveying your intention rather than subjecting me to a repetition of what took place on Tuesday.

I am, Sir,

Your Honour's obedient Servant,

GEORGE SCOTLAND.

Copy of the First Alcalde's second letter to the Honourable the Chief Justice.

PORT-OF-SPAIN,

7th May, 1832.

SIR,

I received late last night your Honour's letter of yesterday; it would perhaps be unnecessary for me to answer it, were I not anxious to remove the impression which my declining to sit on the Bench seems to have

made on your mind, *i.e.*, “that my conduct implies a distrust of the “honour, integrity, and impartiality of the Members of the Court whom I would be likely to meet.” So far is this from being the case, that it is my high opinion of yourself and the other Members of the Court, and my knowledge of their determination to act in all cases in exact conformity to the strict letter of the law, which make me decline to take my seat. It is the severity of the laws and the rigour by which they are attempted to be enforced, and not the administration of those laws of which I complain.—This being my conviction, it is unnecessary for me to say that I never for a moment conceived, “that all the intelligence “and honesty of the Court was to be found in those members deputed “by the Cabildo.”

Feeling a perfect conviction that my conduct will not warrant in the public mind even the suspicion of “*Combination*,” yet, for the purpose of removing from your Honour’s mind any such impression, I assure you that no such thought ever was entertained by me.

No person can more cordially agree with your Honour than I do in the necessity of upholding the authority, popularity, and respectability of the public Tribunals, and I believe the most effectual method of doing so is to discourage in every possible way prosecutions for petty offences such as those that were set down for hearing this day; and I am extremely happy that your Honour has already offered your valuable opinion to the head of the Executive Government as to the impropriety and bad consequences of bringing such paltry and trifling cases forward. I sincerely hope your recommendation will be attended to, in which case the country will be saved enormous expenses, and those heart-burnings will be prevented which the unprecedented system of Criminal Prosecutions lately resorted to, is likely to engender in the minds of the Inhabitants of this unhappy Colony. These being your declared sentiments I hope my not sitting to-day will relieve your Honour from being placed in the unpleasant situation of being obliged to act in opposition to your avowed opinions.

I have the honour to be, Sir,

Your most obedient humble Servant,

ROBERT BUSHE,

First Alcalde.

(No. 3.)

GENTLEMEN,

Though I am totally at a loss to understand the motives or the expectations which have induced His Excellency the Governor to make to your Honourable Board a communication so extraordinary, both in its form and in its contents, as that which was brought under your consideration at your last meeting; yet, as His Excellency has thought proper in that communication to make some remarks on my conduct in the dis-

charge of the judicial duties which have devolved on me as Alcalde of the Second Election, I have deemed it due to your Honourable Board as well as to myself, to offer to you a few observations explanatory of the motive on which I acted on the occasion to which His Excellency's address, I presume, has reference. His Excellency's observations are intended to apply to the declaration which I made before the Court for the Trial of Criminal Prosecutions respecting the trial of Marie Catherine Vesprey, charged with a misdemeanour under the Order in Council of the 2nd of November last. On that occasion, I deemed it incumbent on me to state to the other Members of the Court, that whatever might be the conduct which other persons filling judicial situations might adopt in the discharge of their public duties, when prosecutions, or rather persecutions, of such an evidently unjust and impolitic character, were brought, at an enormous expense to the public, before the Court in which I had the honour to sit, I for one would never be made a tool in the carrying on proceedings which I considered subversive of the first principles of justice.

Although His Excellency has declared that it is impossible to approve of the conduct of a Member of a Court who thinks proper to withdraw himself from it, and thus render it incompetent to proceed, I feel confident that when informed of the circumstances of this prosecution, with which a perusal of the summary informations had made me acquainted, your Honourable Board will think that I only fulfilled my duty as an honest man and as a good citizen, in refusing to allow myself to be made the instrument to carry on a system of prosecutions, alike injurious to the interests of the Colony and disgraceful to the character of its Tribunals. The accused was charged with a misdemeanour for having struck a female slave with a small twig or switch which was produced in Court; the provocation which was proved to have been given by the slave was of such a gross description, that I forbear to enter into its details, but I must mention that besides obstinate disobedience to the commands of her mistress, accompanied by the most insolent and opprobrious language, the slave with the express intention of provoking her mistress had actually thrown a vessel containing night slops into her face and had in the most indecent manner exposed her person in her presence and in that of her husband. These facts were fully proved in the summary informations; indeed they were not denied on the part of the prosecution; and yet, for having in a moment of justifiable irritation struck this woman with a switch, the mistress was to be exposed to a public prosecution and almost certainly to a heavy fine, and perhaps a long imprisonment at the discretion of the Court. I know not whose fault it is that such a prosecution was instituted—whether that of the laws by which it was permitted, or the Judge of Criminal Enquiry by whom it was authorized, or the Officers of the Crown by whom it was carried on; but I did feel, that under such circumstances no man could with an honest conscience be instrumental in involving an innocent and persecuted woman in the disgrace and ruin which must have attended a conviction. This prosecution, and those of a similar nature by which it was accompanied have cost the Colony immense sums of money and have

spread discontent, disobedience and insubordination throughout the whole slave population.

I am aware that the man who refuses to adopt and act on the principles and the views of those who aim at the destruction of all Colonial property and whose influence is for the moment too powerful in the direction of Colonial affairs, exposes himself to all the obloquy and all the injury which the enmity of a powerful party can inflict upon him. I am aware also that men have been found, and possibly are still to be found, who, in the performance of their public duties will shrink from no responsibility which may be incurred by the honest and independent discharge of those duties, and who will even at the certain sacrifice of their places and their fortunes, refuse to bow down before the idol which popular or party clamour has set up. I for one however, do not expect such instances of self-devotion to be of daily occurrence. I know that while Colonial affairs are directed as at present, whatever may be the merits of a slave's complaint against his master, it cannot be dismissed by the Protector, or rejected by the Judge of Criminal Enquiry, or the prosecution refused by the Officer of the Crown without a degree of risk and responsibility which few salaried and dependent Public Officers will be found voluntarily to incur. Who shall venture to fix the extent to which this intimidation may reach, or to say that the Courts of Justice, or even the Executive Government, are to be free from its baneful influence?

Under such circumstances it appeared to me to be the duty of those who preside over the Administration of Justice, and who are not dependent on the Government for their salaries or their places, to mark in the strongest manner their sense of the injustice and the impropriety of such proceedings as those to which His Excellency refers, and to refuse in the most decided terms to be made a party to carrying one step further, prosecutions, the institution of which was alike impolitic and unjust. Such were the motives of my conduct on the occasion alluded to in His Excellency's address, and I must confess that neither the extraordinary notification of His Excellency's disapprobation nor a calm review of the circumstances, have induced me to entertain the slightest doubt of the propriety of the conduct which I adopted.

* * * * *

FREDK. BROWN,
Second Alcalde.

22nd May, 1832.

The line of conduct adopted by the Alcaldes on this occasion was manifestly unjustifiable. Their functions as Assessors were assigned to them by the same law of which they complained, and formed no part of the ordinary duties of the Alcaldes, which were defined by the

law of Spain. That the law was distasteful to them was no excuse, *dura lex, sed lex*, and their duty was to administer it and not to endeavour to prevent its operation. It is, however, easy to understand the feelings of men, smarting under what seemed to be a gross injustice, who found themselves placed in a position which enabled them to prevent the carrying out the law under cover of which that injustice was perpetrated.

This incident suffices of itself to show that matters were daily becoming more serious, and the Trinidad Committee considered that it would be advisable to send a delegate from the Island to look after their interests in London, and accordingly decided to summon a public meeting which was called for the 25th of June and at which presided an Unofficial Member of Council, the Hon. Robert Neilson. The usual speeches were made, all attacking the policy of the Government, and finally it was resolved that Mr. Burnley who was about to proceed to Europe on his own affairs should be named as special delegate from the local Committee.

In the following month Sir Lewis Grant informed the Council that His Majesty had decided to fix the salary of the Chief Justice at £2,000 per annum and to appoint two Puisne Judges at a yearly salary of £1,000 each; that the office of Judge of Criminal Inquiry was abolished, and the duties hitherto performed by that Officer transferred to the Attorney-General. He then named a Committee of Council consisting of:

THE CHIEF JUSTICE,
 „ ATTORNEY-GENERAL,
 „ PROTECTOR OF SLAVES,
 Hon. Dr. LLANOS,
 „ ROBERT NEILSON,
 „ HENRY FULLER,

to consider and report upon the following very important subjects:

The amendment of the Law concerning Ganancias.*

* Without entering at length into the details of Spanish Law it may be stated that the term *Ganancias* covered all the rights of a married woman to her share of the property either brought by her into the common stock when marrying, or acquired by her husband and herself during marriage. To put it briefly and sufficiently accurately for ordinary readers, the Spanish Law treated marriage as a copartnership into which each child entered at its birth.

The liability of infants to be arrested for debt.

The Laws of Inheritance.

The legal period of majority.

The introduction of some procedure analagous to writs of *Habeas corpus*.

The abolishment of the Office of Depositario-General and the adoption of the English system of arbitration.

This Committee did not long benefit by the invaluable services of Dr. Llanos. On the 9th of the following month, Mr. Roxburgh was appointed to replace him at the Board, which now, for the first time since 1801, was exclusively composed of Protestants. From this moment may be traced the commencement of a feeling in the breasts of all persons in the Island of foreign birth or descent, whether British subjects or not, that the Government deliberately, and of set purpose intended to treat them as aliens. From this arose a feeling of dislike, or at all events of antagonism, to everything English previously unknown, but which it suited the astute policy of the "British Party" to excite in every possible way, even although it must have been more to the common advantage, at a time when general ruin seemed to menace the West India Planters, to have consented, at least for a time, to forego all differences either of religion or race.

There can be no doubt that the speeches of the more advanced advocates of Negro Emancipation, both in the House of Commons and at Public Meetings held all over the United Kingdom, had contributed to a very considerable extent to create the worst possible feelings in both Slaveowners and Slaves. What the former most complained of, was the gross exaggeration of these speeches which cast upon Slaveowners as a body the odium of individual cases of cruelty and ill-treatment. No better proof can be furnished of the reckless way in which these statements were made than the following extract from a speech made in the House of Commons on 24th May, 1832, by Mr. T. Fowell Buxton, one of the most prominent members of the Anti-Slavery Party, in which he asserted, *as a fact*, that the

number of stripes inflicted with the cart-whip in the West India Colonies exceeded "*two millions yearly.*"

He then went on to say :

"It is true that in chartered Colonies no record of punishment is kept, but I have got at the fact (?) by comparing the population and the number of stripes inflicted in the Colony of Demerara which is a Crown Colony and which of course kept a record, with the population of other Colonies, assuming the same ratio of punishment, though it was probably much greater in those Colonies where the punishments were not recorded. Taking Demerara, which is a meliorated Colony as a criterion, the general condition of the slaves throughout the West Indies may be judged of."

To justify a sweeping assertion of horrible and continual cruelty against fifteen Colonies by such a calculation as the above was not only unfair but most absurd.*

The owners of slaves in Trinidad were exceedingly indignant when the Report of this speech reached them, for they prided themselves on the good treatment of their slaves which was rigidly insisted upon by Spanish Law, and they very properly resented being held up to public execration as monsters because there had been instances of cruelty in Demerara, a Colony still full of the traditions of its former Dutch owners, notoriously the most brutal Slavemasters the world has known.

Apart from this, which might be considered as a sentimental grievance, they had solid grounds for complaint against any Law which would interfere with slave labour. By the Cedula of 1783 foreigners were invited to Trinidad and lands were granted to them in proportion to the number of their family and slaves. The more slaves, the larger the Grant. And this was clearly an inducement to them to introduce the latter. After the Capitulation the British Government adopted the same policy and granted land under the same conditions. One of the best arguments against the land policy of Sir Ralph Woodford was based upon the fact that whilst rigidly

* When Mr. Buxton was a young man, Dr. Keate was Headmaster of Eton and was notorious for his unsparing use of the birch, and tradition says that he flogged the whole school one morning. Would it have been fair to the Masters of the other great Public Schools of England to have multiplied the number of Keate's yearly floggings by the population of all the Schools and to have given the result as the yearly sum total of floggings in English Schools? This however was what Mr. Buxton did, and his assertion was believed by nine-tenths of his hearers.

carrying out the provisions of the Spanish Law which declared all lands forfeited which were not cultivated within a fixed period after their having been granted, he also enforced the Order in Council prohibiting the introduction of slaves from the British Colonies, thus very seriously checking the inflow of labour.

When the Anti-Slavery agitation in Great Britain began to influence the policy of the Imperial Government, the result to Trinidad was peculiar. They could not open up new Estates, nor comply with the Spanish Law by cultivating their old ones to their full extent without introducing more slaves, and this they could not do without breaking the English Law. Their position was certainly a hard one and in addition they now found themselves denounced as "traffickers in human blood, receivers of stolen property, and brutal and inhuman savages."

Their undoubted grievances should not however have blinded them to the fact that the decree had virtually gone forth, and that although its execution was delayed the days of slavery were numbered. They should also have understood that however strong their case, the Imperial Government could not make a difference in their favour. Emancipation must come at the same moment to all or to none at all.

Under these circumstances it is evident that their wisest policy would have been to have accepted the inevitable and to have placed themselves at the head of the movement instead of disputing its advance step by step and inch by inch. This was the policy suggested by Lord Bathurst and Sir Ralph Woodford, but which they declined to follow. They should have concerted amongst themselves and agreed that the children of all slaves, from after a certain date, should be born free. This would have greatly pleased the slaves and prepared them to accept anything at the hands of their owners. There would have been no difficulty in arranging that the existing slaves should work out their liberty by fixing a date when their bondage should cease, and placing it in the power of each slave to accelerate that date in his own case by extra (voluntary) tasks. A cottage and a piece of ground given to each labourer, to become his own on the completion of a stated number of tasks, would in almost every instance have kept the slaves on the estates even after they had worked out their

time. Instead of adopting this, or some similar plan, the planters and slaveowners went on struggling and fighting against the daily increasing strength of the Anti-Slavery Party, and the slaves, especially the younger ones, not unnaturally, began to look upon their owners, first with mistrust, and very soon with positive hatred.

The following letter which appeared in the *Port-of-Spain Gazette* of September 8th, 1832, will give a good notion of the state of feeling at that time :—

To the Editor of the Port-of-Spain Gazette.

MR. EDITOR,

Much has been said and written on the subject of free labour in the West Indies ; we need only refer for an example of the unlikelihood of its ever succeeding, to our own free labouring population ; we already possess I believe a far greater proportion of them than any other Colony, and in no other are provisions so scarce. Take for instance the present price of plantains, four or five for a bitt, although great quantities daily arrive from the Spanish Main. Allow me to ask the advocates of free labour the true causes of such a scarcity ? I will tell them that not one out of fifty liberated slaves cultivates the soil ; they are not sufficiently civilized to know the necessity or comfort of establishing a fertile spot of land, of which there is no scarcity in this island, and from which they could earn, by their own labour and industry the necessaries of life. “A fertile soil and a warm climate,” says Humboldt, “are great impediments to the march of civilization, the intellects do not develope themselves with that rapidity as under the more severe climates of the North where man has to contend against the inclemencies of the seasons.”

Let an impartial observer look to Port-of-Spain, or any of the villages of the Colony, and he will invariably see the young living in idleness, and the old in the most abject misery, or with a half-bitt of plantains and a couple of bottles of mawbee on a board outside the door (like the three balls over a pawnbroker's shop), a sure sign of receivers of stolen goods ; they earn a livelihood by purchasing the stolen sugar, rum, molasses, canes, &c., which are brought to them in the evening by the negroes of the different estates in the neighbourhood ; the boiling houses and stores are nightly broken open to supply the trade ; there is at present no keeping even a pig, a fowl, or a sheep ; what are we therefore to expect when a fresh supply of idle and vicious vagabonds are again about to be let loose upon us ?*

To prevent, if possible, the continuance of such a system of idleness and robbery, and also the frequent impositions of free labourers, who

* It had been proposed to transfer emancipated Barbadian slaves to Trinidad.

undertake jobs on estates, I would recommend the following Regulations : Let every labouring man be obliged to have a small book, in which the Police should insert his name, profession, and a description of his person, also his age ; and that he should be obliged when he goes to an employer to deliver him this book. The master should keep it as long as the man remains in his employ ; when the man has finished his engagement and wishes to leave, his book should be returned to him, the master declaring therein that such a one has worked for him such a length of time, and that he has been satisfied with him.

With this book the labourer applies to any other master ; no master should take him without seeing the book. I believe that if such Regulations were in force they would be productive of much good, especially if every householder, proprietor and manager would strictly adhere to them ; the Police might also stop any suspicious character who could not give a satisfactory account of himself or produce his book duly signed by his last employer.

I would also recommend that any person who should employ a labourer without his book should either pay a fine, or any balance which the workman might owe to his last employer.

I am, &c.,

X. Y. Z.

September 1st, 1832.

It is evident from this letter that the planters of 1832 held the same views as their successors of the present day that labour should be made compulsory. Not a word is said about inducements or rewards for steady, good work. Coercion, indirect it is true, was to be used, and of course the price of labour was to be regulated entirely by the employer. The planters would not, perhaps indeed could not, wait until demand and supply had brought about a regular rate of wages as is the case all over the world, and the result of this throughout the West India Colonies (Barbados alone excepted) has been an ever recurring difficulty in connection with the labour question—a difficulty staved off, but by no means satisfactorily solved, in Trinidad and one or two other Colonies by the introduction of East Indian immigrants. This plan already in 1814 suggested by Mr. Burnley (*vide* Ch. 11, p. 16) was not, however, revived in 1832, although the necessity for introducing agricultural labour from *some-where* was daily becoming more imperative.

When Mr. Burnley was named as a delegate from the Trinidad Committee of landholders and proprietors, Mr. Joseph Marryat, M.P.

for Sandwich, and son of the late Agent for the Colony, was holding in an informal way a position somewhat similar to that held by his father for so many years. He was not officially recognized by the Government, nor does he appear to have derived any pecuniary emoluments from Trinidad, but he enjoyed the full confidence of the planters and proprietors, until an event occurred which created no small amount of excitement in the Colony.

On the 3rd August, 1832, Lord Althorp moved the House of Commons into Committee for the purpose of considering a Bill which had for its object the affording of some relief to those Crown Colonies in which the Order in Council of November, 1831, had been adopted, and for which purpose the Government asked for a vote of £57,000.

The motion met with considerable opposition, and in the course of the debate Mr. Marryat read a letter which he said he had recently received from Trinidad. His correspondent stated that the Order in Council had worked satisfactorily in that Colony, and Mr. Marryat argued that the Trinidad planters were entitled to the relief promised as compensation for the losses they had sustained through loyally carrying out the intentions of the Crown. He was accused by several speakers of inconsistency, but maintained that, as in connection with his own estates in Trinidad he had given the Order in Council a full trial, he considered its results beneficial and that most of the objections to it were groundless. When the Report of this debate reached Trinidad, it raised a perfect storm of indignation, and Mr. Marryat's hitherto great popularity at once disappeared.

On September 19th, he, and his brother, Charles Marryat, who had lately been residing in the Island and who was the correspondent alluded to in his speech in the House of Commons, were attacked in a leading article in the *Port-of-Spain Gazette* in most unmeasured terms. A short extract will show its tone and what was the feeling, with a few exceptions of the community at the time :—

“ Our readers will naturally suppose that Mr. Marryat, as the Agent of this Island, in full possession of the true state of the question as touching it ; as an individual holding a large interest at stake in it ; as a man of honour, common honesty and sound principle, would have stated all that we have asserted and still maintain, he knew ; would have added that although we have resisted, and still do resist the “ Accursed Code ”

yet that it had nevertheless been promulgated here ; been thrust upon us, been crammed down our throats, and so far as it could be, enforced ; that we were suffering from its effects and were therefore entitled to relief : and he ought also, in the same breath to have declared that the paltry relief proposed by Lord Althorp was an insult to his constituents, as wanton as it was cruel and mean."

According to the writer in the *Port-of-Spain Gazette*, the firm of Marryat & Sons owned at that time in Trinidad alone, West Indian property to the value of £100,000 without counting their large interests in other Colonies, and it was suggested that what was called Mr. Marryat's "treachery" had been purchased by the promise of a Baronetcy. Those were not days in which political honesty was much believed in, and the writer evidently preferred crediting Mr. Marryat with sacrificing truth to self-interest and a silly desire to be called "Sir Joseph," to admitting, that having tested the effects of the Order in Council with the result of finding it could be worked beneficially, he was honest enough to say so.

Mr. Marryat felt that some explanation of his conduct was due and he accordingly wrote as follows to Mr. Burnley :—

LONDON,

4th August, 1832.

DEAR SIR,

You will see by the papers, that a discussion took place in the House last night, on the proposition of Lord Althorp, for a grant of money to the Crown Colonies, which might have adopted, or should hereafter adopt, the Order in Council of November last. I considered the question a simple one of remuneration for the loss and inconvenience sustained by the effect of the Order in Council, and the fulfilment of the promise held out by Lord Goderich in his Circular despatch, and one not at all involving the policy of the issuing of the Order, or expressive of approbation of its provisions.

The grant, however, was strongly opposed by Mr. Burge, Mr. K. Douglas, and other West India members, on the ground that it gave a sanction to the Order ; and many observations, on my support of the measure, fell from them which, as well as my reply, are not correctly reported. In my first speech I supported the grant on the ground of indemnity, already stated ; and in order to shew that the Order was in force in Trinidad, and that it was not found so impracticable as it was at first imagined, I read letters which I had received from Planters in the Colony. The adoption of the Order being proved, I then called on Government to make good their pledge by granting the promised relief. I moreover stated, that though I approved of the principle of the Order, I disclaimed giving any opinion as to its details, not conceiving that to be

the question before the House. Mr. Hume then made an attack on me and charged me with inconsistency, &c. I again rose and admitted, that previous to the promulgation of the Order, I had done everything in my power to arrest its going forth to the Colonies;—that I had made the strongest representations against its details and provisions for the purpose of obtaining some modification, but without success. That after it once became the law of the Colony, I felt it to be my proper course not to advise any contumacious resistance on the part of the Colonists, but rather to induce them to adopt it, such as it was, and give it a fair trial, trusting to the solemn assurance of Government that modifications should be made in such of its provisions as should be found vexatious and oppressive; and trusting also to the pledge of substantial relief held out contingent on its adoption; that from many Estates in Trinidad I had received no serious complaint in consequence of its enforcement; and that many of the objectionable clauses as to labour, food, &c., alluded to by Mr. Hume, would be found on examination not to be compulsory but commutable, by agreement with the Slaves,—and that upon trial, I trusted many of the objections would be found exaggerated, and others obviated by modifications now under consideration; that my conduct in advocating measures of amelioration was not only consonant with my own feelings, but with what I considered the best interests of the Colonies; but should those who did me the honour to entrust their interests to my care, think otherwise, I was perfectly ready to resign my charge.

I certainly was unprepared for this opposition to the grant on the part of the West India members. Their objections appear to me to be frivolous and unfounded and very much dictated by the spirit of party feeling against the Government. I shall continue to watch the progress of this measure and give it every support, notwithstanding the unpleasant feelings that may be excited against me in consequence.

I am, dear Sir, very truly yours,

JOSEPH MARRYAT.

Under ordinary circumstances this clear and straight-forward explanation would have been received in the same spirit in which it was written, but the planters of Trinidad were not at that time in a mood to listen to explanations of any kind, and as soon as the foregoing letter had reached the Colony the following appeared in the *Port-of-Spain Gazette*:—

September 25th, 1832.

THE Standing Committee met this day, pursuant to Advertisement in the *Port-of-Spain Gazette*.

PRESENT :

Edward Jackson, Esq., Vice-Chairman; George Bland, Esq., Hon. H. Fuller, John Losh, Esq., John Bell, Esq., A. Ganteaume, Esq., J. Taylor,

Esq., J. Thatcher, Esq., A. Jack, Esq., W. Metiver, Esq., Dr. O'Connor, F. R. Wallen, Esq., A. G. Drinan, Esq., Hon. T. Roxburgh, J. Ramsay, Esq., J. de La Forest, Esq., H. Fitt, Esq., Hon. R. Neilson, Robt. Gray, Esq., Dr. T. Neilson, R. Dick, Esq., Richd. Joell, Esq., T. B. Darracott, Esq., D. Hutchison, Esq., Wm. Lake, Esq., Charles Schulze, Esq.

Read two Despatches from Joseph Marryat, Esq., M.P., of 3rd and 16th August.

The Vice-Chairman laid his letter of 24th September to that Gentleman before the Board, which was approved of.

Mr. Fuller moved the following Resolution :—

Resolved.—That the statement, reported in the “Times” newspaper of the 4th of August last, to have been made by our Agent, Joseph Marryat, Esq., in his place in Parliament on the preceding day—“That the operation of the Orders in Council was beneficial, and that most of the objections to them were groundless”—is utterly devoid of foundation ; and that neither the Inhabitants of Trinidad nor this Committee have, in any manner, authorised a statement so directly at variance with their fixed opinions and the whole tenour of the communications of this Committee with Mr. Marryat.

The same being read from the Chair, it was seconded by Mr. Bland, and carried unanimously.

Mr. Wallen moved the next Resolution, viz. :—

Resolved.—That this Committee deem it their duty to enter their solemn protest on behalf of their constituents against the statement, as reported in the “Times” and other newspapers to have been made by Joseph Marryat, Esq., M.P., as alluded to in the first Resolution, as totally unfounded in fact, and if believed and acted upon, as likely to produce the most fatal consequences to the interests and welfare of this unfortunate Colony.

Mr. Fuller seconded this Resolution, and it was agreed to.

Mr. Fuller proposed the next Resolution, viz. :—

Resolved.—That a general meeting of the Inhabitants of this Island be convened for Tuesday the 9th of October, for the purpose of taking into consideration the letters from Mr. Marryat, dated the 3rd and 16th August, on the subject of his reported speeches in the House of Commons on the 3rd of August, in relation to the Orders in Council in Trinidad.

Upon Mr. Neilson’s seconding this Resolution, it was put from the Chair and carried.

Mr. Ramsay moved ; that the Minutes of this day’s Meeting be inserted in the Colonial papers, the “Times,” “Courier,” and “Morning Chronicle ;” “Glasgow Courier” and “John Bull,” which was agreed to.

The Secretary was directed to insert Mr. Marryat’s Letters of the 4th and 16th August, in the *Port-of-Spain Gazette*.

HY. SCOTT,
Secretary.

Committee-Room,
September 26, 1832.

The next day the following somewhat sensational notice appeared :—

NOTICE.

WITH reference to the Resolution of the "Standing Committee," passed on the 25th instant, a GENERAL MEETING of the Inhabitants of this Colony will be held at the Vendue Room, on TUESDAY the 9th day of October, at 12 o'clock precisely.

HY. SCOTT,
Secretary of Committee.

26th September, 1832.

~~THE~~ *Planters of Trinidad!—both Proprietors and Managers—fail not to be present at the above advertised Meeting, as you value your name, character, and property.*

"PORT-OF-SPAIN GAZETTE."

Mr. Marryat was not altogether without defenders and it is a relief to turn from the storm of abuse with which he was attacked, to the following calm and dispassionate letter which was published a few days before the meeting of the 25th of September :—

To the Editor of the Port-of-Spain Gazette.

SIR,

I have perused the observations reflecting on the conduct and character of our Agent Mr. Marryat, which appeared in your paper of this day, with feelings of regret, in which I am sure every man holding a stake in the Colony will participate. It is not that many will not agree with you in the view which you take of the injurious effects which Mr. Marryat's declaration in the House of Commons, as reported in the newspapers, may have on our political situation, but I am certain that no one in the slightest degree conversant with the history of this Colony in past years, with the successful struggles of Mr. Marryat's father in our cause, and his own exertions to promote the best interests of Trinidad, or who is acquainted with the honest, manly, straightforward, and independent character by which Mr. Marryat has always been distinguished, will think your imputations on his motives warranted, or your observations on his conduct justified, even by the garbled, and I have no doubt, distorted reports of his speeches in the House of Commons on the 3rd of August last. As to the opinion which you express, that Mr. Marryat has wilfully sacrificed the interests of his constituents to his ambitious or electioneering purposes, I must say, I think it unworthy of the good sense and good feeling by which your columns are usually distinguished. The expression of such an opinion from an uninformed source would not

have surprised me,—the distant, hardworking planter, whose daily experience forces on him a practical conviction of the folly and mischief of the provisions of the Order in Council, and whose knowledge of the world and its opinions and controversies extends not beyond the narrow limits of colonial society, may be excused if he attributes the most unworthy motives to all those, who in ignorance or misconception of the truth, differ from him in his conclusions,—but for a paper like “The Port-of-Spain Gazette,” which may fairly claim a familiar acquaintance with European modes of thinking and speaking on colonial subjects, such an apology cannot be allowed.

If in the conduct of a valued and tried friend something should occur which we are at a loss to reconcile to our sense of what is right and proper, it is surely more consistent with prudence and with right feeling to seek in the circumstances of the transaction some explanation consistent with our good opinion of our friend, than at once to conclude him to be treacherous and unworthy of our confidence; and even if upon the most fair investigation, we cannot altogether approve of the prudence or propriety of his conduct, we will not at all events, without the clearest proofs, allow our established opinion of his probity and good faith to be subverted.—Now, in the circumstances attending the debate in the House of Commons on the 3rd of August last, there is much which tends to explain the expressions raised by Mr. Marryat, in a sense very different from that which you attach to them. In a letter addressed by Mr. Marryat to the Chairman of the Committee, he complains, I have no doubt not without reason, that his observations were materially misrepresented. It is evident that he thought it an object to secure to the Colony the boon, paltry as it is, which His Majesty’s Ministers offered by way of compensation for the irreparable evils caused by the promulgation of the Order in Council; and that he was unprepared for, and displeased with, the determined hostility evinced by the leading members connected with the chartered Colonies, to this trifling concession. And, indeed, it must be observed that on no occasion have the exertions and sufferings of the Crown Colonies met with that degree of attention and fellow-feeling from their more fortunate brother-colonists, to which they were perhaps entitled. It is to those feelings that I should be inclined to attribute the observations of Mr. Marryat respecting the operation of the Order in Council in this island; and there is no doubt that he was correct in saying that the people of Trinidad were under the circumstances entitled, *of right*, not merely to the trifling boon so stintingly given to them, but to the far more substantial relief for which they had the ministerial promise. In judging of the expressions used in relation to the Colonial Question in England, we should never lose sight of the state of public opinion prevailing there. The advocates of the Colonies are studiously misrepresented as entertaining the most determined hostility to every description of amelioration, however unobjectionable; and a very large portion are taught to believe, and do unfortunately believe, that the opposition made by the colonists to the provision of the new Ministerial Code, proceed from an undistinguishing enmity to all improvement. As the force of public opinion is in the end irresistible, it

becomes a most material object to every defender of our rights to endeavour to correct the erroneous ideas which the English public entertain on this subject, and to shew them, that in opposing the Order in Council, he is actuated by a clear and well-founded conviction of the evils to which some of its provisions must inevitably lead, and not by a blind and factious hostility to every Ministerial measure. This was the distinction which I apprehend Mr. Marryat intended to make, when he said that there were many parts of the Order in Council which were unobjectionable, and that if the requisite modifications were made in its provisions, he would not join in a merely contumacious resistance to its enforcement. Now, I by no means approve of the prudence of making a speech so exceedingly liable to be misreported into a fixed and unconditional approval of the Orders in Council; but I can well understand and believe, that it was made with the best and purest intentions to advance the interests of the Colony.

Lord Althorp expressly declared that the supporting the grant to the Crown Colonies, was not to be taken as in any manner expressing an opinion in favour of the details of the Order in Council. It should always be remembered, that the turn which the debate took was that of the Agents of the chartered Colonies opposing a grant for the relief of Trinidad, upon the ground that the Order in Council was not in force in that Colony; and that Mr. Marryat's principal object was to neutralize the effects of this opposition, and to secure to his constituents the advantage of the proffered boon, which, trifling as it is, he thought it essential to secure for us. I cannot agree with you in thinking this grant ought to have been rejected by Trinidad; on the contrary, I am of opinion, that the interests of the Colony are placed by it on a much more satisfactory footing. It is true that the amount of the grant is paltry and the relief which it will afford almost worthless; but the principle which it involves is most important. The majority of the inhabitants of this Colony would I believe, be content to receive the Order in Council with the modifications proposed at the public meeting in November last, provided a proper compensation were made to them for the depreciation of their properties; and that the monopoly of the British market was strictly confined to Colonies in which similar regulations were enforced. Now, the grant made to the Crown Colonies to compensate them for the enforcement of the Order in Council is a clear recognition of the principles upon which the resolutions of the meeting of November last were founded, and is valuable as an admission from which most important conclusions must follow. I am not surprised that Mr. Marryat should feel sore at the attempt of the Agents of the chartered Colonies to defeat the grant offered by the Ministers, which if it does nothing more, renews the pledge that they have before given us that we shall not be left alone, exposed to the ruin and confiscation which must result from the enforcement of the Order in Council of November last. For us there is no hope now but in the strict and searching examination of the provisions of that Order, from which the certain evils which it will cause may be made apparent and such modifications obtained as may enable us to carry on the cultivation of our Estates with effect and

advantage. I do not believe that Mr. Marryat ever said, or meant to say, that he approved of the provisions of the Order in Council of November last. If indeed, this should be his opinion, I quite agree with you in thinking that he could no longer, with satisfaction to either party, continue to act as the Agent of a community to whose sentiments such an opinion would be directly adverse. In that case we should most deeply lament that an independent man whose interests are so closely connected with ours, should have taken what appears to us to be a wrong and perverted view of a great moral and political question, but yet we should have no right to attribute the adoption of such opinions to unworthy or ambitious motives. From the whole tenour of Mr. Marryat's conduct with respect to the Colonial question, I feel satisfied that his expressions have been, as he asserts, misreported and misrepresented by the newspapers. But whether this is the case or not, I am sure there is no individual in this community who has the honour of a personal acquaintance with Mr. Marryat, who would not, from his knowledge of his truly honest and honourable character, pledge all he holds dearest in the world that his conduct on this, as on every other occasion, has been dictated by the most upright and conscientious motives and that your suspicions of his going over to the enemy on the eve of battle are totally destitute of all probable foundation. A short time must bring us a clear, and I doubt not a satisfactory explanation of this untoward circumstance, and in the mean time, I am sure every true friend of the Colony will agree with me in deprecating the use of such language as can only have the effect of producing irritation of feeling and division of opinion among the defenders of the Colonies, without leading to any possible advantage.

COLONUS.

September 19.

At the meeting of the 9th October which was very numerously attended, the Chairman, Mr. Fuller, stated that the object of the meeting was to take into consideration the speech made by Mr. Marryat with regard to the operation and effect of the Order in Council. He urged upon those present to deal with the matter as calmly and dispassionately as possible, bearing in mind the fact that Mr. Marryat had stated that he had not been correctly reported. He recalled the memory of Mr. Marryat's past services to the Colony as well as those of his father, and asked the meeting to consider whether it would not be well to postpone the matter until early in December, when letters fully reporting on the whole matter would have been received from Mr. Burnley, but in any case, he recommended the immediate passing of Resolutions declaring in the strongest language the statements, if made by Mr. Marryat

in the House of Commons as reported, to be false, wicked, and utterly devoid of foundation. He asserted that the effect of the promulgation of the Order in Council had been most disastrous to the Colony, reducing the value of property by at least one-half.

The Hon. Mr. Murray then moved the following Resolutions:—

1. That the Inhabitants of this Colony have perused with feelings of the deepest surprise and alarm, the statement alleged in the public newspapers to have been made by their Agent, Joseph Marryat, Esquire, in his place in Parliament, on the 3rd day of August last, viz.—“That the operation of the Orders in Council was beneficial, and that most of the objections to them were groundless;” and that to prevent the injurious consequences which might attend the mistaken belief that the Inhabitants of this Colony had in any manner authorized, or that they are disposed to acquiesce in such a declaration, they solemnly declare that the above statement is wholly unfounded in fact and is directly opposite to the deep settled, unaltered, and unalterable conviction of the community, that the Order in Council as it now stands, can never be enforced in Trinidad without bringing utter ruin on the proprietor and certain misery and wretchedness on the slave; and that their original opinions of the destructive consequences of the Order in Council have been strengthened and confirmed by their practical experience of its ruinous effects which have fully justified the worst apprehensions expressed by the Inhabitants of the Colony on its promulgation.

2. That with a full knowledge and conviction of the mischievous and destructive effects which the Order in Council has already produced, and a deep sense of the total ruin of all property which must attend the enforcement of all its clauses, this Meeting is of opinion that Mr. Marryat cannot, with safety to the public or satisfaction to himself, continue to act as Agent of a community which considers its very existence as dependent on the rejection, or at least the modification, of this obnoxious measure; *but that as Mr. Marryat, in his communications to the Committee, has stated that his speeches are misrepresented in the newspapers, and as further information on this subject may be shortly expected, both from our Deputy, Mr. Burnley and from Mr. Marryat himself, this Meeting deems it expedient to postpone, until the public meeting on the 6th of December next, their consideration of Mr. Marryat's offer to resign his trust as honorary Agent of Trinidad.*

This was seconded by Mr. Jackson. He followed the Chairman in his appeal to them to conduct their proceedings calmly and dispassionately. He also endeavoured to impress them with the need, if they expected even the slightest chance of success, of unanimity amongst themselves. He warmly supported the first Resolution as to which he did not imagine there could be any difference of opinion, and with regard to the 2nd Resolution he urged that wisdom, and pro-

priety, and good feeling, all made it most desirable to postpone the consideration of Mr. Marryat's conduct until the meeting of the 6th December.

Mr. Wallen said he did not condemn the conduct of Mr. Marryat from what he had read in the newspapers, as he might possibly have been wrongly reported, but because he considered that Mr. Marryat's own words in his letter to Mr. Burnley showed that he had deserted their cause. He therefore proposed the following amendment to the second Resolution :—

“That this meeting, viewing with alarm the line of conduct adopted by Joseph Marryat, Esq., M.P., on the occasion referred to, do accept his resignation as our Agent, and that the same be communicated to that gentleman with as little delay as possible.”

Mr. Lake seconded the amendment.

The Resolutions being put to the vote the first was carried *nem. con.*, Mr. Wallen's amendment to the second by a large majority ; and, finally, Mr. Burnley was named Agent for the Colony in place of Mr. Marryat.*

Early in October the Governor received Despatches from Lord Goderich in reply to a Memorial addressed to him by the foreigners residing in Trinidad, and who had been alarmed by the terms of the Proclamation of the 5th January, 1832, and the silly and mischievous sneers of the *Royal Gazette*.

The following is the text of the Despatch :—

DOWNING STREET,

10th September, 1832.

“SIR,

I have received your Despatch, No. 47, of the 2nd ultimo, enclosing a Memorial addressed to myself by certain foreign Inhabitants of Trinidad, in which the Memorialists protest and remonstrate against a confiscation of their property with which they have conceived themselves to have been threatened by the British Government.

You will lose no time in informing the Memorialists, that no such intention as they ascribe to His Majesty's Government has ever been

* The term Agent as used throughout this incident must be taken as meaning the Representative of the Committee established in Trinidad to resist the action of the Government with regard to the slaves. The West India sugar planters everywhere looked upon themselves as solely representing the Colony and they can scarcely be said to have even now lost the habit.

entertained; and you will add that I have received his Majesty's commands to convey to them the assurance that nothing can be further from His Majesty's purposes and feelings, than that any unnecessary distinction should be made between the right to his protection inherited by his British-born subjects in Trinidad, and that acquired by those foreigners who have taken up their permanent abode in the Colony and identified themselves with its interests. The Memorialists may be satisfied that His Majesty is animated with the same desire to establish the security and promote the prosperity of all classes of the Inhabitants of Trinidad.

(Signed.)

“GODERICH.

“Major-General Sir Lewis Grant,
&c., &c., &c.

Of course the fears of the “Aliens” were at once appeased but Sir Lewis Grant most unwisely communicated the Despatch in an informal kind of way to the Memorialists instead of publishing it for general information, and this caused considerable dissatisfaction.

Towards the end of the year 1832, a meeting of the principal cocoa planters was held in St. Joseph, presided over by Don Antonio Faustino de Leon, at which it was resolved:—“That a Committee of five members should be formed of the following persons as the most ancient Capitulants devoted to that cultivation, viz.:

DON JOSE FRANCISCO FARFAN,
,, FAUSTINO DE LEON,
,, JOSE MARIA HERNANDEZ,
,, CELESTIN DANCLA,
,, ST. HILAIRE BEGORRAT,

to present to the Governor the Petition of the Cocoa Planters and the Documents in support thereof.” The Petition was thus worded:—

“To His Excellency Sir LEWIS GRANT, Governor, &c., &c., &c.

The Petition and Memorial of His Majesty's subjects, adopted and natural born, attached to the cultivation of cocoa in the said Island from time immemorial, respectfully sheweth:

Your Memorialists take leave respectfully to represent that in order to conciliate and conform to the views of Government and not oppose themselves to a powerful party whose ultimate designs subsequent to the abolition of the slave trade in 1810 have been too evident to admit of doubt, they adopted that description of cultivation which would least expose them to loss by a political innovation of the Colonial System

established by the nations and guaranteed to them by the protection of the Laws which have always considered the property of the subject as inviolable.

That previous to the year 1827 the crops of cocoa gradually increased in quantity and value, insomuch that a sum in specie was annually introduced, amounting to from \$350 to \$400,000 by speculators for the purchase of cocoa, and this prosperous and lucrative state of the cultivation arose from the industry of 5,270 free subjects and their families and 1,800 slaves, as is by census established. Yet this once happy and independent population is in the present year 1832, reduced to the greatest poverty and distress; their properties abandoned, or seized on writs of execution, or their slaves hired out, the cultivation of cocoa not yielding them bread, and the interest of money being at from 30 to 40 per cent.

In 1828 the state of the Cocoa cultivation according to Official Returns, was :

Land planted in Cocoa	...	...	12,839 acres.
Trees on same	...	...	5,177,776 „
Free Proprietors	...	...	5,720 „
Slaves	...	...	1,816 „

The Returns of the Cocoa crops from 1821 to 1831, were :

1821	..	...	...	1,214,093 lbs.
1822	...	...	...	1,789,379 „
1823	...	...	...	2,444,703 „
1824	...	...	...	2,661,628 „
1825	...	...	...	2,760,608 „
1826	...	...	...	2,951,179 „
1827	...	..	...	3,695,144 „
1828	...	...	...	2,582,323 „
1829	...	...	...	2,750,603 „
1830	...	...	...	1,300,284 „
1831	...	...	...	1,417,047 „

By this Return it appears that the greatest crop of cocoa since 1821 was that of 33,600 fanegas in 1827, and that the crop of 1830 was only 11,611 fanegas, making a deficit of 21,797 fanegas in the course of only three years, which evinces the deterioration of the culture. In 1830, cocoa was sold as low as 10/- currency (\$1) per fanega in the country, and in the town at from 15/- to 40/- (\$1 50 to \$4 00), and the expenses of cartage, &c., being deducted, there remained to the planters upon the whole quantity exported of 11,611 fanegas, an average of about 34/- (\$3 40) per head per annum for their maintenance, whilst the annual expenses of a slave's maintenance is allowed to amount to from \$50 to \$60.

To the free planters and their families who form numerically a fourth part of the free population of the Colony there remained the resource

of hiring out to the proprietors of sugar estates during the period of the sugar crop such slaves as might still chance to belong to them, to assist in taking off the crop; and to the free settlers, not possessing slaves, there in like manner remained the resource of hiring out themselves with the same purpose; from this channel the cocoa planters derived the means of procuring for their families a few of the most pressing necessities; but these means are now altogether lost to them by the operation of the late Order in Council.

Your Memorialists further beg leave to represent that under those protections of all species of agriculture, the Laws of Spain (and the greater number of Your Memorialists were formerly subjects of His Catholic Majesty) and by their mild and equitable provisions, an individual might under the durable system which protected him in his wants and misfortunes give himself up in all security during the space of ten years of his life to every species of privation, confident to establish a cultivation which would assure him the means of a frugal independence for the rest of his life; and which enabled the cocoa planter to give to an industrious slave his manumission so soon as that slave should, independent of having performed his daily task, have planted one thousand cocoa trees on a spot assigned him for that purpose and delivered them over to his master in a yielding state. These one thousand trees were formerly worth from \$4 to \$500, the value pretty nearly of the slave himself. There exist few families in the Colony attached to this species of cultivation where instances may not be found of slaves having obtained their emancipation in this manner. These freed men have ever remained attached and grateful to their former masters.

Your Memorialists respectfully submit that the late Order in Council has completely destroyed all sentiment of confidence between master and slave and the respect and obedience that subsisted towards the master.

By the Articles of Capitulation (Clauses 8 & 9) signed on the 17th February, 1797, between Governor Chacon and Sir Ralph Abercromby, their properties were guaranteed to the Capitulants, which was confirmed on the 19th February of the same year by a joint Proclamation of the General and Admiral, issued in His Majesty's name.

The 25th Article of the Cedula of His Catholic Majesty, dated the 24th November, 1783, grants to the new settlers the faculty of proposing their own regulations for the government of slaves, to prevent marooning, and prescribes the rules to be observed, which evinces that the Capitulants were entitled to be consulted on an event which so nearly affected their security.

Your Memorialists cannot offer to Your Excellency or to His Majesty's Ministers a better opinion upon the inviolability of their rights as Capitulants than that of Lord Mansfield in the case of "*Campbell vs. Hall*" pleaded in the Court of King's Bench, on the infraction of the Capitulation of Grenada; it was as follows: "The Articles of Capitulation upon which a country is surrendered, and the Treaty of Peace by which it is ceded are sacred and inviolable according to their true intent and meaning. . . ."

The above Petition which for the sake of brevity has been shorn of some of its redundant phraseology although no alteration has been made in its quaint wording, was signed by all the inhabitants of the Colony interested in cocoa cultivation. It was presented to the Governor by Mr. Bégorrat in person in the early days of June, 1832.

Sir Lewis Grant, however, like more than one of his successors in office was much given to procrastination, and it was not until the 1st of October that the Petition was referred back with the following Minute upon it:—

GOVERNMENT HOUSE,
1st October, 1832.

In reference to the Petition of the Cocoa Planters of the 5th of May, 1832, I deem it most expedient that an enquiry should be made into the actual condition of this class of persons, their past and present circumstances, the object of their wishes to be specified, and a remedy to be suggested.—The report should be summary, and should contain facts and practical suggestions. Mr. Bégorrat having consented to take a part in the inquiry, Mr. Joseph Basanta will be so good as to consult with Mr. Bégorrat in carrying the inquiry into effect, and when completed and passed to the Governor, it will be forwarded by first opportunity thereafter, if it should come to him three days before sailing of Mail-boat.—It would be well the report should be summary, and contain facts and practical suggestions, and nothing speculative.

(Signed.) “LEWIS GRANT.”

This Decree was communicated to the Committee of Cocoa Planters at a Meeting held at the residence of Don José Francisco Farfan, in the Town of St. Joseph on the 23rd October, and in order to give effect to His Excellency's Decree, the following gentlemen were selected to represent the Cocoa Districts of the Island:—

ANT. GIUSEPPI, Esq.	...	...Aricagua.
C. DANCLA & FRANCISCO F. DE LEON	...	...Santa Cruz.
ANT. J. DE LEON	...	...Maracas.
Messrs. MARCANO & LAWRENCE NIELL	...	...Caura.
A. S. GARDIE & the Chev. DE VERTEUIL	...	...Guanapo & Eastern Quarter.



CHAPTER XIX.

IT has been mentioned in the earlier chapters of this work that one of the measures adopted by the Government to check the Slave Trade was the prohibition of the transfer of slaves from one British Colony to another, and that this pressed with peculiar hardship upon Trinidad where labour was scarce, and lands were granted only in proportion to the number of persons to be located upon them. As was to be expected attempts were constantly made to evade the law, but during the watchful administration of Sir Ralph Woodford, they were rarely successful.

After his death the law gradually became a dead letter, being broken in an ingenious manner, certainly with the knowledge, if not with the approval of the Government. There was at that time, as at present, a very considerable intercourse between Trinidad and Barbados—planters, merchants, professional men and others, passing frequently backwards and forwards between the two Colonies. Whenever any of these came to Trinidad they were invariably accompanied by two or more domestics who (slaves of course) were their own property. For these the Officers of Customs gave a formal authorization to leave the Island and in each case the Governor of Barbados issued a regular and specific license. On the arrival of these servants in Trinidad, they were carefully examined by the Officers of the Customs for the purpose of ascertaining if they were actually the persons to whom these licenses had been granted: a certificate to that effect was given to the owner by the Collector of Customs, an attested copy of which was lodged in the office of the Registrar of Slaves who enrolled these new comers in his Register. The names of all slaves were shown in the Triennial Returns, copies of which were regularly transmitted to the Secretary of State.

It frequently happened that these slaves were sold, and as good domestics were rare, they invariably fetched good prices.*

This was thoroughly well known to the Executive and to the Judges, for these slaves were often levied upon and sold by order of the Court, and it frequently occurred that they were so dealt with for the benefit of the Crown in suits Civil or Criminal, in which the latter was plaintiff or prosecutor.

This being so, it is easy to understand the alarm and indignation felt on the appearance of the following Proclamation, dated the 3rd February 1832, and promulgated on the following day :—

“ TRINIDAD.

[L.S.]

*WILLIAM the Fourth, by the Grace of God, of the
United Kingdom of Great Britain and Ireland
King, Defender of the Faith, and so forth.*

A PROCLAMATION.

Whereas, it hath been represented to Us that divers persons have been imported into our island of Trinidad from our other possessions in the West Indies, in violation of the laws for the abolition of the Slave Trade, and that the persons so imported are now holden in slavery in our said island of Trinidad, and that the persons engaged in effecting such importations, or some of those persons, engaged therein in ignorance of

* Advertisements of the following nature were to be seen in the papers :—

FOR SALE.—A strong and active servant, about 21 years of age, native of Trinidad ; he is a good cook and house servant.—Apply at the “ Gazette ” office.

A BLACKSMITH TO BE SOLD.—A middle-aged man in good health, who has served a regular apprenticeship of seven years to the late Mr. KING of Port-of-Spain and is a good workman ; he will be sold at a very reasonable price to a cash purchaser.—Enquire at the office of this paper.—*6th November, 1832.*

FOR SALE.—A most valuable domestic, being an excellent house servant and groom. For particulars apply at the office of the “ Port-of-Spain Gazette.”—*1st August, 1832.*

FOR SALE.—An active intelligent house servant, who is also a groom, gardener and house painter, and dexterous in every respect. He would be a valuable acquisition to any gentleman who wants such a servant ; and he will be sold reasonably to a kind master.—Apply at this office.

the provisions of the law in that behalf: And whereas the persons so imported as slaves have become forfeited to Us, and may be prosecuted to condemnation in pursuance of the acts of Parliament for the abolition of the Slave Trade, for the purpose of divesting any title or alleged title to the services of any such persons as slaves, and divers penalties and forfeitures have accrued by reason of such illegal importations, which penalties and forfeitures may also be sued for and recovered under the said acts of Parliament:

Now We do hereby make known to all whom it may concern, that We have strictly charged and enjoined our trusty and well-beloved LEWIS GRANT, Major-General in our Land Forces and Governor and Commander-in-Chief in and over our said island, and all Judges, Justices, and all other our officers, civil and military, forthwith to adopt all legal and necessary means for procuring the condemnation to Us of the persons so illegally imported as aforesaid for the purpose aforesaid, and for enforcing the before-mentioned penalties and forfeitures; but having regard to the ignorance and misapprehension of the law under which certain of the said persons were so imported as slaves as aforesaid, we have further authorized our said Governor, in our name and on our behalf, to stay all prosecutions, suits, and other proceedings for the condemnation of any of the persons aforesaid to Us, or for the enforcing or recovering of any of the penalties and forfeitures aforesaid in any case in which a voluntary manumission of any such imported slave shall be effected to the satisfaction of the Protector of Slaves for the time being, of the island of Trinidad, provided that such manumission be so effected and recorded within the space of six weeks next after the date of this our Proclamation.

Witness, our trusty and well-beloved Sir LEWIS GRANT, Knight Commander of the Royal Hanoverian Guelphic Order, Major-General in our Land Forces, Governor and Commander-in-Chief in and over our said Island and its Dependencies, Vice-Admiral thereof, &c., &c., &c., and given under the Great Seal of the Island at Government-House in the Town of Port-of-Spain, this third day of February in the year of our Lord one thousand eight hundred and thirty-two, and in the second year of our reign.

LEWIS GRANT.

By His Excellency's Command,

PHILIP DOTTIN SOUPER,
Colonial Secretary.

GOD SAVE THE KING !"

It was felt, reasonably enough, that the real sufferers by this action on the part of the Government would be the innocent purchasers of the imported slaves, who must either yield up their property voluntarily, or resist and abide the consequences. They would each one naturally say, "I will not submit and yield up that property which became mine by doing all that the laws of the land required of me; let Government enforce its penalties if it will; let it complete the work of destruction. But for what? I have not disobeyed any enactment. I have transgressed no part of the law. If it be a crime to hold a slave, the Government alone is guilty: I did everything under its sanction. If I defend myself now, I know it will cost me more than the value of my slave, and the decision may be against me; but I have no alternative. I cannot consent to manumit voluntarily, for by doing so I make the act *my own*, and deprive myself of all right of recovery against the man I purchased from."

Public feeling on the subject was very strong, and ten days after the appearance of the Proclamation, a Meeting of all persons affected by it was called, which was largely attended, the Chair being taken by Mr. Crabtree, a leading merchant of Port-of-Spain. The following Resolutions, which were seconded by Dr. O'Connor, were put from the Chair and carried unanimously:—

Resolved :

First—That the late Proclamation cannot be considered as a law, but merely as the declaration of an opinion upon a law which already exists;

Second—That in opposition to this opinion, we have to place the opinions of—

- 1st—The different individuals who have administered this Government since the 1st January 1825; because the arrival of every vessel is immediately reported to Government by the Harbour-Master, and in that report, the name of every passenger, together with the number of his servants, whether bond or free, must be mentioned, and we cannot believe that any person holding the situation of Governor of this Colony could, for a moment, witness passively any breach of the laws for the abolition of the Slave trade;

2nd—The Law Officers of the Crown, who, we are prepared to prove were perfectly aware of the importation of slaves since the 1st January 1825, and whose duty it was, had they deemed such importation illegal, to have prosecuted the importer ;

3rd—The Principal Officers of His Majesty's Customs who, we have always understood were placed here as much for the prevention of illicit trade, as for the collection of revenue, and who have certified that the very slaves, which we are now called upon to manumit, " HAVE BEEN LEGALLY IMPORTED ;" and,

4th—The Principal Officers of Customs in all the other British Colonies from which slaves have been imported since the 1st January 1825 ; because we feel convinced that they would not have cleared out any vessel having slaves on board, had they been of opinion that they were thereby giving their sanction to an illegal act :

Third—That a great proportion of the slaves thus imported, have passed into the possession of third, and even more remote parties, who have become the purchasers of these slaves on the faith of certificates from the proper Officers of Government ; that such slaves have been legally imported and, consequently, duly registered in the Registrar of Slaves' Office ;

Fourth—That a compliance with the recommendation of voluntarily manumitting these slaves would, in our opinion, deprive us of the just claim which we shall have against the British Government for compensation for any slaves of whom we may be forcibly dispossessed ;

Fifth—That a Petition be presented to the Governor, praying him to repeal the Proclamation of the 3rd instant ; or, if that cannot be granted, at least to direct the prosecution of only two or three cases, the final decision of which would regulate all others similarly circumstanced ;

Sixth—That Mr. Crabtree, Mr. Reid, Mr. Cumming, Dr. O'Connor, and Mr. Schultze, be appointed a Committee for the purpose of retaining Advocates and representing the general interests of the proprietors of slaves imported since the 1st January 1825.

On the 8th of March the above Committee sent a Memorial to Sir Lewis Grant setting forth the grounds upon which the proprietors of slaves introduced into the Colony since the 1st January 1825, considered the recent Proclamation a great and manifest act of injustice, and praying for relief in the terms of the foregoing Resolutions. The Committee had already had an interview with the Governor and at his request had reduced their views into the shape of a Memorial in order to obtain a formal reply. This

the Governor made in very guarded terms, promising nothing, yet not absolutely declining to entertain the idea of selecting a few cases for prosecution to serve as tests. The next step taken by the Committee was to endeavour to obtain a list from the Collector of Customs of all slaves who had been imported under licenses since January 1825, distinguishing those whom he considered as legally imported, from those who in his opinion were proper subjects to be dealt with under the Proclamation. This information, as was to be expected, that Officer declined to give.

A voluminous correspondence now began between the Committee and the Governor, and between the former and the Attorney-General Mr. Wylie, and a Memorial from the owners of the imported slaves was drawn up and forwarded to the Secretary of State.

It should be mentioned here, that the Crown had commenced some prosecutions under the Order in Council which were pending in the Vice-Admiralty Court of Trinidad. As a preliminary step a large number of the Barbadian negroes had been removed from the control of the persons who had purchased them, and as no one would employ them, after living for a time by depredations or on casual charity, they had to be taken care of at the public expense, and were placed under a Military guard in huts, in which they lived, scantily clothed and half-starved, for nearly six months. No active steps were taken to bring on the prosecutions, but at last the Attorney-General elected to proceed with 144 cases out of nearly 600. He obtained conviction in 19 by default, as the owners, either from poverty or other causes did not appear to claim their slaves. Of the remaining 125 cases, some were abandoned by the prosecution, and others were indefinitely postponed. At last, in November 1832, it was announced that the cases would be re-opened.

The voluminous records, registers, and documents of all kinds, which were connected with these slave prosecutions were kept in a large press in an old house in Lower Prince Street, subsequently used as a Barrack for the West India Regiment, and which was pulled down in 1870 when the present Police Barracks were commenced. These were all needed in the hearing of the cases which were to come before the Court on the 13th November. The

following account which appeared in the *Port-of-Spain Gazette* of the 16th of that month, though probably somewhat highly coloured, is an amusing sketch of the manners of Trinidad sixty years ago:—

“On Monday morning while sitting at our breakfast table, a rumour reached us that the whole of the Documents, Evidence, &c., in fact that all the papers connected with the Barbados Slave Prosecutions lately instituted in the Admiralty Court, had been surreptitiously removed from the office of the Registrar of that Court, and carried no one knew whither. The improbability that any person sufficiently respectable to be interested in the issue of these cases would attempt such an act, made us laugh at the report as a hoax and we never dreamt of bestowing any attention on it until a few hours after, when we were astonished by the appearance of a Proclamation of Government, offering a reward of £200 sterling for the discovery of the “evil disposed persons” concerned in what was therein termed “a lawless and daring outrage.” We now thought it high time to try and learn “further particulars,” so to work we went, and speedily got a budget of information, which we will now proceed to give our readers after our own fashion.—They must know that the Records of the Admiralty Court of this Island have of late been stowed away in a *new* cedar cupboard, which *new* cedar cupboard had been deposited in one of the untenanted rooms of the large building in which were held “in days of old” the sittings of the *old* Court of Criminal Enquiry. Light is communicated to these rooms through either glass or jalousies, and they are without shutters or other security to protect the *sacred* archives therein laid up from the eyes or fingers of the curious or interested, and the only person living on the premises was a poor harmless FREE Barbadian negro, who, some time since, belonged to the Alguazil of that Criminal Court, was manumitted by him, and had, since the dissolution of the said Court and the departure for England of his quondam master, been permitted out of charity to continue in the apartment he had usually occupied but who was in no way responsible for aught that might occur on the premises. So much for the description of the place, &c. Now to the point.—Some time on the evening of Sunday this poor man it seems, discovered that the door of the room was open in which was kept the *new* cedar cupboard containing the Records and that the door of the *new* cedar cupboard was *yawning a little*; upon which, making more diligent search, he *found*—No, no! we mean he did not *find*, the Barbados “persecution,” or any other papers in it—He instantly hurried to the Registrar of the Court, who proceeded to the spot with the Chief of Police,—when it was *apparent* that every document connected with the Barbados Slave Question, even to the blank forms themselves, had disappeared! Next morning (Monday) the before-mentioned poor, harmless, FREE Barbadian was lodged in Gaol on

suspicion, and all intercourse with him prohibited. Every engine was then set to work, or, as some will say, was *pretended to be set to work*, to ascertain, *how the premises had been entered*; but in this, as far as we have yet heard, they have failed. Some of the papers were picked up next day in Mr. Shine's pasture but no clue to trace the persons who had in so summary a manner settled all the knotty points and legal quibbles upon which the Crown and "*Conservative*" lawyers had PEGGED their attacks and defences. The whole thing during this (first) day afforded subject for much conjecture, and continued amid uncontrolled bursts of laughter, but early on Tuesday morning the affair assumed a new and most extraordinary aspect. At, or about, 12 o'clock, as we believe, the acting Attorney-General, *in propria personá*, accompanied with the Chief of Police and several Alguazils proceeded to the residence of Messrs. Porter and Wilson, partners in the well-known mercantile firm of Robert Neilson & Co. of this Island, and, without the slightest notice to them, and also *without producing any warrant*, made search in a certain place, "not to be named to ears polite;" and finding nothing, departed and carried away one of these gentlemen's slaves to his (the Attorney-General's) office. On hearing the circumstance, these insulted gentlemen proceeded to the chambers of the acting Attorney-General and found, to their astonishment, not only that their servant had been *forced* there, but also that the *great* (?) Crown Lawyer was attempting to connect *them* with the disappearance of the lost papers. Naturally indignant at such conduct on the part of a man holding such an office, they expressed their sense of it in no very *measured terms*; high words passed, and they soon after left the office, taking with them their servant. Upon this the acting Attorney-General breaks out into a furious passion (mind ye! *the gentlemen were gone*)—sends off post haste to the Governor; runs himself to the Judge; despatches a clerk to the Chief of Police, and takes out a warrant for the apprehension of Messrs. Porter and Wilson. In a few minutes *down* comes His Excellency to his friend the acting Attorney-General, "in a blue passion," and *up* comes the Chief Judge! the Chief of Police!! the Protector of Slaves!!! and a whole *posse comitatús* of Alguazils!!!!—and all for what?—solely and entirely to take the persons of two gentlemen who had received the grossest of insults, and had afterwards presumed to return the same compliment. All this "*much ado about nothing*" naturally attracted the attention of the public, and when the circumstances connected with the ungentlemanly, irregular, unconstitutional and *dirty* proceeding of the acting Attorney-General became known, it excited indignation the most general, and almost every respectable man who heard it instantly proceeded to Messrs. Porter and Wilson's residence to watch the event. After they had waited a considerable time a warrant was at last brought to the house by the Chief of Police, which that gentleman for a long

time declined to exhibit until assured that if he *could* not, or *would* not, produce his authority, he, and his Alguazils to boot, should be turned out of the place in an instant, but that if he *could* and *would* produce a legal search-warrant, then that no opposition would be made to his enforcing it, but on the contrary every facility would be afforded him. At length and at last, this reasoning seemed to have some effect, and from a little pocket in one corner of this little man's little brown coat was produced a warrant of the Chief Justice to bring the said two gentlemen before him. It was read aloud by a legal friend of the parties, whose attendance and advice had been requested, and being pronounced a sufficient warrant, the Chief of Police was permitted to search the premises. The gentlemen (unlike our friend Matthews the Droll) were *not* at home. Upon this, the *little* man looked a *little* discomfited, and made a *little* attempt at a *little* speech, but being paid *little* attention, he made *little* further stay. By this time the hour appointed by the Committee of Barbadian slave-owners for a meeting to discuss some point connected with the prosecutions going on against them, had arrived, and the whole mass moved down to the Vendue-rooms for the purpose of proceeding to business, where, however, in consequence of the highly excited state of public feeling at the moment, nothing but an adjournment to a future day took place. This had scarcely been completed, ere news was brought to town that the whole disposable force of the troops at St. James' Barracks were *under arms, and provided with thirty rounds of ball cartridge!!!* "In God's name, (was the exclamation of all) for what purpose? Surely not for the apprehension of these two gentlemen who of course will surrender as soon as their friends will let them, that is, as soon as their anger has subsided a little? Can it be that we are all going to be shot at like mad dogs, because a follower of His Excellency has been abused by two gentlemen whom he behaved infamously to?—What can have caused such an unheard-of-procedure?" A thousand and a thousand things were fancied. The report of the military being brought into the town to act against the inhabitants, produced *a sensation such as never was before seen in this Colony*. The idea that an appeal to arms was either *intended* on the one side, or *expected* on the other, seemed to take possession of every one, and to extend to all classes, colors, and conditions, of *free people*. We felt a conviction that we stood on a mine, which an accidental spark might spring—or rather, we experienced an oppressive sense of the presence of a danger very imminent but not thoroughly understood. We cannot, we dare not—it were perhaps not less than treason—repeat any of the expressions of passion and of indignant and insulted feeling uttered, in our hearing, during the hours succeeding; but this we do say (and we trust that those most interested will take warning from it), that had the men under arms made their appearance in the streets of Port-of-Spain in hostile array *that* afternoon, the Sun's last rays would have fallen upon blood and human carcases. This town be it remembered by our foreign readers, is but one large arsenal!—*every free man* being compelled by law to be the bearer of arms;—one sudden and exciting impulse therefore, acting on the whole, produces in a few minutes an armed force

which, with reference to population alone, could never be imagined. What then would have been, what *must have been*, the consequence of introducing 100 or 150 soldiers before such a population?—the former believing they are *led to attack*; the latter, that they are *to be attacked*,—and that they are to be wantonly sacrificed either to the puerile fears of one Officer of the Crown, or to the *coute qu'il coute* determination of another—hastily, thoughtlessly, and oh how *rashly!* adopted. Thank God! (for Him alone we believe we may thank) that the troops—although under arms until 7 o'clock in the evening, and *provided with their thirty rounds of ball cartridge*—were not brought into town; and that although a second and most insulting and disgusting search warrant, directing diligent search to be made in a ——— (the quarter referred to) for the *not forthcoming* papers, was carried into effect in a manner too nasty to be detailed, and too satisfactory to leave room for further doubt,—yet no opposition to the ruling powers was exhibited, and no life endangered. The Sun of that day rose upon a Colony whose population had, for years been enduring a portion of misery that rarely is allotted to his children by the Almighty Father of all; a population who had experienced every woe that could arise from poverty, oppression and misrule,—but who had, notwithstanding all, scarcely ever uttered even a murmur of complaint. The Sun of that day set upon a people whose very souls seemed changed within them. Winters of suffering had been crowded into a few hours; they had felt the pangs of uncertainty—the tortures of alarm—the sickening sense of being without security to property or person. As men, they blushed to think that they had by the representative of a kind Monarch, been regarded as a mere lawless mob, upon whom it were only treating them as they deserved, to let loose the soldiery. As fathers, as citizens, as loyal subjects, and as peaceable members of society, they fully appreciated the unprovoked, wanton, and unparalleled insult that had been put upon them. The Tiger was aroused within them; and we have only once more to thank a merciful Providence for the chance that no dog-fight or other noisy piece of sport occurred during that day, to cause perhaps the advance of the military, and the then inevitable massacre of hundreds.

Messrs. Porter and Wilson had meantime offered bail for their appearance—which it was decided was to be taken by the Chief Judge at 11 o'clock on the following day (Wednesday). Tuesday closed—the men at St. James' and Orange Grove Barracks still continuing under arms, and the minds of the inhabitants in a ferment in consequence. Wednesday came, and at 11 o'clock Messrs. Porter and Wilson proceeded to the Court-house escorted by an immense number of the respectable inhabitants comprising Planters, Merchants, professional men, &c., each feeling the proceedings of the previous day as a personal insult to himself. His Honour Chief Justice Scotland was not in the Court-house where the Judges sit on public trials, but sent down stairs from his own apartments therein to say he was ready to receive Messrs. Porter and Wilson's bail. The gentlemen present were about to accompany their friends, ourselves the first, when we were stopped by Judge Scotland's Alguazil in attendance who stated that he had positive orders to prevent any person's entrance.

We went into no discussion on the subject, but immediately sent in the Alguazil with the following message—"Mr. Drinan presents his respects to the Chief Judge, and in the capacity of Reporter for the *Port-of-Spain Gazette*, requests permission to be present at the proceedings about to take place before His Honour." The Alguazil departed, apparently to deliver it, and in some time after returned and spoke, *verbatim*, as follows:—"Sir, the Judge said, THAT YOU COULD NOT BE ADMITTED BY ANY MEANS." Amazement was depicted on every countenance present, on the delivery of these most singular words—we were ourselves astounded. We could scarcely believe we heard aright; we called the man back and desired him to repeat the Judge's words, and he did so, *verbatim* as before, adding at the same time, "Do you think, sir, I would say so if I was not ordered?" We made him no reply, but noted down what he had uttered as his Honour's speech, and had it attested by all the gentlemen who surrounded us. Exactly twenty-five minutes after this, an Officer of the Court came down and informed us he had just heard the Chief Judge say that he wished the sittings to be considered public. We replied that His Honour's second thoughts were rather of the latest now that the whole business before him must be nearly over, and that we would abide, for this time, by His Honour's first decision—upon which the officer stated that he had no authority from the Judge to mention what he did, &c. Many tedious minutes more elapsed, and as we looked upon the large body of men who stood around us deeply interested in what was going on above—and yet, in obedience to the extraordinary fiat of one man, quietly waiting on the stairs, without an individual thinking of advancing one single step—we could not help exclaiming—"And yet these were the men against whom it was supposed that it would have been found necessary to call in the aid of an armed soldiery." Shame upon the base, the ungenerous thought! The more we reflected the deeper we felt the wrong, and it was an actual relief from painful sensations when we heard the descending footsteps of the parties in whose cause the conduct pursued towards them had enlisted such engrossing and universal interest. They were received with a general expression of applause, and escorted from Court in triumph. His Excellency's "Privy Counsellor," to keep the peace towards whom they had given security to the amount of £400 sterling, did not show himself;—we suppose he dreaded the hiss with which all present would have testified the utter contempt that was felt for his mean, dirty, and unconstitutional acts of the previous day.

About four o'clock, the town had resumed its usual undisturbed and placid appearance; business was resumed, and the more immediate excitement elicited by the *Official* fuss had passed away; but days, weeks—nay, months, must come and go ere any very great degree of confidence in the Government can be restored,—ere the heedlessness and facility with which it was evident public interest would be sacrificed at the shrine of friendship, can be lost sight of—and, last and worst, ere the circumstance of a Military force being under orders to hold itself in readiness for what might have eventually proved a horrible massacre of an innocent population, can be washed in Lethe and forgotten!"

The following lines appeared a few days later in the *Gazette*, and allude pretty clearly to the fate of the missing papers:—

THE WILY GOLD FINDER.

“*Thou can'st not say I did it.*”—MACBETH.

SCENE.—A TEMPLE.

Speakers—a Gold-finder and a Negro.

(GOLD-FINDER.)

Come hither my lad, you're a 'Badian I know,
And I love every son of a Bim—
I've a notion my papers are st—k—g below,
This being the shop where rebellion's “*the go*,”
And they're thrust *here* to sink or to swim.

Now tell me outright, “WHAT I WANT YOU TO SAY,”
(For thereon may your freedom depend),
What time of the night, or what time of the day,
Was *that* temper time brought, my proceedings to stay,
And thus bring—to so DIRTY an end.

(Negro.)

Well, sir ! *as I live* !—and so help me d'ye see—
I know nothing of what's *there* below.
I would not go in there ; no, *not to be free*,
And what Master may put there is nothing to ME,
So go look—if you're anxious to know.

(Enter a Gentleman.)

Hollo, Mr. Groom, what brings *you* in this place,
Go back to your horses again,
Who has dared bribe my servant ? let me see his face,
And he'll feed on a meal, that he'll eat without grace,
For I'll thrash him while life doth remain.

(Gold-finder.)

On my honour, I went not your premises nigh,
But only to SMELL out a case.
Now hear me declare to the Low and the High—

(Gentleman interrupts.)

“Ill-omen'd Bahama* starved lizard—*You lie*,
“And I wish *I* had been at the place !”

“You have plunged like a frog in that ominous lake,
“Which is just fit for you and your clan,
“And if even *your master* came here for your sake,
“You may tell him from me, HE *your* lot should partake,
“I would treat you—‘*like master like man.*’”

[Gold-finder faints with fright.]

(Gentleman Exit.)

* The Attorney-General, Mr. Wylie, was from the Bahamas.

The state of public feeling at this time is shown by the following Notice which was published the same day :—

At a Meeting held this day at the Vendue Rooms pursuant to Advertisement, for the purpose of taking into consideration a proposition important to those interested in the Barbados Slave Question :—

Resolved.—That in consequence of the present excited state of public feeling, and the uncertain information that this Meeting has been able to obtain respecting the course intended to be adopted in the Proceedings lately pending in the Court of Vice-Admiralty, this Meeting deems it proper to adjourn for the space of fourteen days, and that the Committee be requested to call another Meeting on this day fortnight, with notice in the *Gazette*, and in the meantime to communicate this Resolution to His Majesty's acting Attorney-General.

November 13, 1832.

Of course the abstraction of these papers was not only unlawful but silly, still, the fact, well known to every one, that it was done by men of standing and position shows that the feeling was very strong indeed with regard to the injustice of the course taken by the Executive, a feeling intensified by the great unpopularity of the Governor, the Chief Justice* and the Attorney-General.

The following Despatch from Lord Goderich which was published in the *Port-of-Spain Gazette* of the 14th December 1832, is given at full length, as it deals with many important matters and especially with the determined opposition which had been shown to the obnoxious Order in Council of 2nd November 1831 :—

Letter from Viscount Goderich to Sir Lewis Grant.

(Copy.)

[CIRCULAR.]

“ COLONIAL OFFICE,

25th August, 1832.

SIR,

Since the promulgation of the Order in Council of the 20th June 1831, for improving the administration of justice in British Guiana, Trinidad, and St. Lucia, I have not ceased to observe with the most watchful attention the progress of that measure, as it has been

* On the 10th November, two days before the removal of these papers, the Chief Justice had filed two civil actions for libel, one against Henry James Mills, William Forster Stewart, and Andrew G. Drinan for 1,500 Pounds currency (£600) and another for 1,000 Pounds currency (£400) against the first and last-named defendants, for having printed and published malicious, false and defamatory libels against him in his character as Chief Justice.

explained in the various despatches I have received from yourself and from the Governors of the other Colonies to which the Order extends.

Trinidad,
3rd July,
No. 54,—
1st Part,
2nd Part,
No. 55.

I enumerate in the margin the whole of these despatches although you are, of course, cognizant of the contents of such of them only as have proceeded from the Colony under your own Government. It is not my present purpose to answer these despatches in detail, but rather to direct your attention, and to confine my own, to one part of the general subject to which they relate.

British
Guiana—
17th Feb.,
No. 10 ;
30th April,
No. 30 ;
4th May,
No. 31.

Notwithstanding the opposition with which the Order in Council has had to contend, I am happy in the conviction that in general it promises to advance the great ends with a view to which it was promulgated by his Majesty. Nor is it a just cause of surprise that a system intended, and which, as I believe, will be adapted to diminish the cost and delay of litigation, should, in any part of the world, have had to encounter much hostility ; many prejudices which I am bound to respect would, even in the absence of less excusable motives, naturally enlist a numerous, active body on the

St. Lucia,
25th Jan.,
1832 ;
25th Feb.

side of abuses sanctioned by long usage, rendered familiar by mere habit. I find therefore, no cause to regret the course which was pursued on this subject.

I am, however, constrained to admit that the wisdom of so much of the Order in Council as relates to the selection of Assessors in criminal cases has not been justified by the result of the experiments which have hitherto been made. It was supposed, that by drawing those functionaries from a small select body in each Colony, a closer resemblance to former usages might be obtained without any prejudice to the effective administration of the law, and that the best possible security would be taken against a trust so momentous falling into the hands of any improper persons. The high station occupied in the Colonial society by the gentlemen competent to act as Assessors seemed to justify the hope that every influence of party spirit, or of any other improper feelings, would be effectually excluded from the judgment seat, and that in the discharge of their arduous duties the Judges would be assisted by the intelligence and information of those colonists most eminent for their general knowledge, education, and experience. But I am reluctantly compelled to avow my deliberate opinion, that when a disposition to co-operate cordially with His Majesty's Government in improving the administration of the criminal law was attributed to the members of those select bodies, a degree of confidence was placed in them which the result has not justified. The despatches enumerated in the margin relieve me from the necessity of substantiating this conclusion by statements which it would be invidious to make, and in which you have so fully anticipated me. I cannot, on the other hand disclaim too distinctly the intention of imputing to any gentleman who has been called upon to serve as an Assessor a violation or disregard of the sacred obligation which he contracted ; yet, on the other hand, the paramount claims of truth, and the duty which I owe to His Majesty and His Majesty's sub-

jects in the Colonies, oblige me to state, without reserve, my conviction that the controversies which unhappily agitate the slave Colonies have exercised over the small bodies competent to act as Assessors an influence of which they are probably unconscious, but which has not ceased powerfully to control their conduct, even in the discharge of that high trust. If these feelings had been excited by any slight or transitory cause, I might have permitted myself to hope that they would speedily have subsided, and have given place to more calm and dispassionate sentiments; but when I recollect how deep is their foundation and how strong is the hold which they have taken on the minds of many of the most conspicuous and eminent of the Colonists, I cannot avoid the conclusion that they will long continue to render those affected by them unfit for the exclusive enjoyment of a power so momentous. It would be superfluous to insist at length on the elementary principle that an impartial and dispassionate administration of justice is the greatest of all ends of civil society, and that to secure that blessing to the people at large is the first duty of the legislative and executive Government, nor need I pause to explain the peculiar urgency of that duty in a country where the classes differ from each other by the widest distinction which can possibly subsist in social life. With whatever trouble or inconvenience the task of establishing the supreme authorities of the law in a slave Colony may be attended, it is a task from which his Majesty's Ministers could not shrink without betraying the obligations they owe to that part of his Majesty's dominions. In proceeding to the consideration of the remedy fit to be applied to the evil which has been brought to their notice, his Majesty's Government have bestowed their best attention on the various recommendations contained in your despatch to which I have had occasion to refer. It has been suggested 'that the office and functions of the Assessors might be abolished altogether.' That is a proposal to which nothing but an extreme and paramount necessity could induce his Majesty's Government to accede. It is the ultimate remedy which should be preceded by every other experiment affording any promise of a successful issue—it is also a remedy the operation of which would extend far beyond the immediate or probable danger, for it would abolish the popular branch of the Judiciary in all cases, although it is only in cases of one particular class that there has been reason to believe the influence of prejudice and of party feelings to have interfered with the dispassionate and impartial administration of justice.

The second suggestion is, 'that all trials for capital or transportable offences should be conducted before the Judges and Assessors, and all other trials before the Judges alone.'—The objections which I have stated to the former plan apply with equal force to this also, and it presents the further difficulty that it would place the more weighty and important trust in the hands of those whom it would pronounce incompetent to discharge the lighter and less difficult duty. There might at least be an apparent inconsistency in giving the power of life and death to a Tribunal which had been declared unfit to adjudicate on a question of fine or imprisonment.

‘To transfer to the three Judges alone the decision of all cases of alleged violations of the Slave Code’—which is the third proposal—would be to attach to the Colonists in general a stigma, which would not be unreasonably resisted as an insult and repelled as an immediate injury. The effect would be to aggravate the difficulties with which the administration of the Slave Law is attended, by enhancing its unpopularity. It is evident that the best security for the effectual execution of that part of the law would be lost, if it were thus deprived of the support each branch of the Criminal Code affords to the rest when they are all united in one general system of jurisprudence, under the direction of Judges protecting alike the interests of all the different classes of society :

It is further recommended, ‘that when the Court is equally divided, a casting vote should be given to the Chief Justice.’

The objections to that proposal are, that it would, in a great measure, destroy the essential character of the institution. It would no longer be true that no man could be condemned in opposition to the unanimous voice of his peers. A prisoner acquitted by the Assessors, and found guilty by the casting vote of the Judge, would be supported by the sympathy of the public at large, and the whole moral effect of the sentence and punishment would be defeated. The plan would also give to the opinions of the Chief Justice and two Assessors, a predominance over the votes of the two Judges and one Assessor ; and I know not what valid argument could be alleged in support of that part of the scheme.

Having thus adverted to those suggestions which have been deemed inexpedient, it remains that I should notice more particularly the recommendation to which his Majesty’s Government have acceded.—It is ‘that of selecting the Assessors, not from any small privileged body, but from the general mass of society.’ The plan may be shortly explained by stating that it would render every free inhabitant of the Colonies competent and liable to serve as an Assessor if possessing qualifications corresponding to those of a common Juror in England. This change will leave the judicial system of the three Colonies precisely upon its present footing ; different persons may, indeed, appear on the Bench as Assessors but their duties, and those of the Judges, will remain unaltered. I retain my confidence in the successful working of the scheme itself if zealous and effective Agents shall be charged with the execution of it. This course of proceeding is also powerfully recommended by the circumstance that it negatives, in the most decided manner, the supposition that his Majesty’s Government cherish any distrust of the free Colonists collectively on the subject of the administration of the Slave Law ; on the contrary, by calling on them all to take their share in the discharge of that trust the highest possible proof is given of confidence in their uprightness and intelligence. I am persuaded that the influence of prejudice and party spirit on this subject, will be found not to have spread through the great mass of society. It is not surprising that such feelings should operate most powerfully on those, who from their

superior rank and importance, have taken the lead in the controversy respecting slavery and have been excited by their own exertions to more than usual warmth. Nor is it a slight argument in favour of this change that it will draw the judicial system of the Colonies in question into a closer resemblance to that which has prevailed for so many ages in this country. By calling the entire body of the people to act as Assessors in the Supreme Tribunals it may be hoped that a deeper interest in the proceedings of those Courts will be created; that verdicts in which the concurrence of some of their peers is necessary will be received by the public at large with increased deference and respect; and that a preparation will be made for the introduction of Trial by Jury so soon as the distinctions between the different ranks of men shall have disappeared—which for the present would deprive that institution of its essential character and real advantages. This enlargement of the list from which Assessors are to be chosen will I trust be attended with the salutary effect of uniting together in the exercise of one of the most important of all civil rights the different classes of the free Colonists, and thus tend to obliterate the memory of distinctions which the law has now happily abolished.

The Law of England as you are aware, gives to the prisoner in cases of felony, twenty peremptory challenges and no more, and refuses the Crown in such cases the right of peremptory challenge altogether. In the extended population of a large Kingdom there is comparatively little risk that personal antipathies or predilections should divert the course of justice—and amongst a Jury of twelve men, any such sinister influence may readily be controlled by the preponderance of those that are exempt from it; but when the choice is made from the few inhabitants of a small Colony, and three Assessors only are to be added to the Bench, some further security against an undue bias of judgment would seem indispensable. It has therefore been thought right to enlarge the power of peremptory challenge by allowing both the prosecutor and the prisoner each to make so many alternate challenges without any cause assigned, as will not reduce the entire panel below six. The effect will probably be to leave the trial of criminal prosecutions in the hands of those of whose prepossessions no reasonable distrust is entertained by either party. In determining the qualifications of Assessors, the British Statute, 6 Geo. 4, cap. 50, seems to afford a safe rule of conduct. However different the value of money and of property of every description may be in England and in the West Indies, it may without much risk of error be assumed, that the criterion which has been adopted in this country will not be found greatly to fail there. As however, amongst one class of the free Colonists it is to be feared that the progress of wealth may outrun their advance in knowledge to an extent not usual in Europe, it has appeared not unreasonable to render an inability to read and write a good cause of challenge. The power of challenging peremptorily may be used with advantage for the same purpose of excluding in a less invidious manner, very illiterate persons from a participation in that trust.

In framing any law in this Country on a subject necessarily involving so much minute detail, a difficulty occurs which can only be successfully encountered by delegating to the local authorities the task of completing the general outline of the measure by such subordinate regulations as their experience may enable them to frame with due exactness, confining themselves to the office of determining the qualification of Assessors and their penalties for neglect of duty, and in whatever relates to the right of challenge.—His Majesty in Council must therefore refer to the Judges of the Supreme Court, and to the Governor, the not less necessary office of prescribing the whole form of proceedings to be observed for compiling accurate lists of the persons competent to act as Assessors : the periodical correction of such lists ; the citation and empannelling of the Assessors, and the selection from among the persons summoned and attending, of a sufficient number to serve on each successive trial. As the Order of June, 1831, left to the Court the entire regulation of whatever concerns its practice, process, and proceedings, it will be in accordance with that general principle to call upon them to promulgate the rules which are to be observed respecting the citation, return, and choice of the Assessors who are to complete their number. But considering how deeply the interests of society at large will be affected by such regulations, it will be fit, before any Rules of Court of this nature are to take effect, that your own confirmation of them should be obtained ;—His Majesty will also reserve to himself the ultimate right of confirming or disallowing them as may be found necessary. Thus it may be expected that the preparation of these important rules of Court will be effected with all the advantages which the professional knowledge of the Judges and the impartial and deliberate judgment of the Governor, can jointly contribute.

An Order of His Majesty in Council for amending so much of the Order of June, 1831, as relates to the selection of Assessors will accompany this Despatch, or will be forwarded by the earliest opportunity after the necessary official forms can have been completed.

I will not disguise from you the reluctance with which I have advised the introduction of any change in a Judicial system adopted so recently, and after so much deliberation. It is a measure to which His Majesty would not have had recourse, except under the pressure of an evident necessity, since there was much obvious advantage in giving the present system in all its parts a full and complete trial ; but every other consideration has necessarily given way to the paramount duty of rescuing the three Colonies to which the order extends from the intolerable evils of a denial of justice to the inhabitants, or of an administration of justice conducted under undue influence. The change however which has been made is the smallest possible innovation which would be attended with any promise of the effectual redress of so great an evil. If its tendency will be on the one hand to rescue the law from contempt by securing the infliction of its penalties when justly incurred, it will not on the other hand, tend in the slightest degree to abridge any popular franchise ; on the contrary, it is to be regarded as an appeal to the great body of society to vindicate the authority of those Tri-

bunals in which the peaceable and well-disposed have their best security. That appeal will, I am happy to believe, be answered in the same conciliatory spirit with which it is made—an expectation which His Majesty's Government may justly indulge in on an occasion when they ask of the people at large nothing more than to accept and to use aright, the power of defending their own important social interests.

“ I have, &c.,

GODERICH.

“ Major-General Sir LEWIS GRANT, Trinidad.”

The year 1832 had not been a very fortunate one for Trinidad, either commercially or politically. Sugar estates were being abandoned and the cacao planters were all but ruined. The Orders in Council, the weakness of the Governor, and the daily increasing dislike to the Chief Justice, had created an unpleasant feeling which even threw a gloom over the festivities which always marked the end of the year, when as has already been mentioned, Martial Law was proclaimed, the Militia called out, and balls and banquets were almost of nightly occurrence.

In the Militia itself, matters were in the most unsatisfactory condition. The Artillery Regiment, which at that time was considered the crack Corps, was commanded by Colonel Neilson, who was one of the leading opponents of the Orders in Council and who had taken a very prominent part in the protests against the policy pursued by the Government with regard to the Barbados slaves. Amongst the Officers was a Mr. Young Anderson, one of four brothers who were settled in Trinidad, one being a Doctor, and the others in the legal profession. The *Royal Gazette*, which had been started early in the year, but which after a brief existence became known as *The Observer*, was edited by this gentleman, who warmly supported the Government, and who, by espousing the cause of “The Saints,” and by his remarks concerning the aliens, had made enemies of the white colonists as well as of the coloured proprietors, who were mostly of foreign descent.

He held the rank of Captain in the Artillery Regiment, and the

ill-feeling towards him was markedly shown in various ways during the duration of Martial Law, December, 1832—January, 1833.

It is not necessary to enter into all the details, for the actors in what occurred are long since dead, and as the parts they played were not very creditable to any one amongst them, they need not be dwelt upon. It is sufficient to say, that matters went so far that a parade of the Regiment having been ordered for the 3rd of February, the other Officers informed Colonel Neilson by letter, that they refused to meet Captain Anderson, and carried out their threat by leaving the ground in a body as soon as he appeared upon it. It was obviously the duty of Colonel Neilson to have at once placed these Officers under arrest for so flagrant a breach of discipline; but instead of doing this he contented himself with reporting the whole matter to the Governor. Sir Lewis Grant, with that lamentable want of decision which was his chief characteristic, at the time took no notice of what had occurred, although it was well known that he approved of those acts of Captain Anderson which had induced his brother Officers to put upon him so public an affront.

A few days before this disagreeable incident, which is a convincing proof of the lengths to which party feeling went at that time, a grand banquet had been given to a Mr. McQueen, a very active member of the West Indian Association, who had been travelling through the Colonies collecting materials for the speakers and writers who were fighting the battle of the Colonists against the Anti-Slavery party in England. It was attended by all the leading men (non-officials) in the Colony, and amongst them was the Right Reverend Dr. McDonnell, Bishop of Olympus. Various speeches were made and toasts were proposed. Amongst the latter was one which to-day reads strangely enough. It was, "The health of the Right Reverend the Bishop of Olympus, and the Protestant and Catholic Clergy of the Island."

The good Bishop in returning thanks took care to keep to the merest generalities, and avoided the slightest reference to either politics, the slave question, or religion. There is something strangely incongruous in the whole affair; in his presence on such

an occasion, in the wording of the toast, and in the air selected to do honour to it.*

For some time past the welcome news had been known in Trinidad, that Sir Lewis Grant was soon to be relieved, and on Sunday the 14th of April, 1833, the signal was made at the North Post that H.M.S. *Despatch* was entering the Bocas, having on board His Excellency Sir George Fitzgerald Hill who had held the office of Lieut.-Governor of St. Vincent for some years and who had been appointed to succeed Sir Lewis Grant as Governor of Trinidad.

The new Governor landed the same afternoon but did not assume his office until his predecessor left. This much desired event took place on the 22nd. To use the words of the *Port-of-Spain Gazette* of the next day's date, Sir Lewis Grant left Trinidad, "hated by the negroes and detested by every independent member of the community."

From his official acts, as well as from his correspondence, and from various anecdotes handed down by tradition but which are not quite suited for publication, it is evident that he was a weak man of a vacillating disposition, unable to form an opinion of his own and equally unable to adhere to one formed for him, guided by his official advisers one day, and easily induced to act contrary to their advice on the next, if any influential person intervened in the meantime. A man of this character could not have made a good Governor at any time or in any Colony, but for Trinidad, and at the time he was sent to it, he was worse than useless, he was a positive evil.

* It was the custom in those days that after each toast the Band played what was considered an appropriate air. That chosen on this occasion was *Adeste Fideles!*



CHAPTER XX.

AMONGST the English "adventurers" who in the XVII. Century aided Oliver Cromwell in what was called the "settlement" of Ireland, was one Samuel Hill who, as a reward for his "active services," obtained large grants of land in Armagh, Antrim and Derry. He at one time held the important and lucrative post of Treasurer of Ireland, and strengthened his position by marrying a daughter of the House of Beresford, which family had already become possessed of much of that enormous influence it has ever since exercised in all Irish affairs. His great grandson, Hugh Hill, was created a Baronet in 1779, and it was his son George, the second Baronet, who in April 1833, succeeded Sir Lewis Grant in the Government of Trinidad. He, like his ancestor, had married a Beresford, and found his advantage in so doing. He sat in Grattan's Parliament as Member for Derry, having previously held the office of Clerk to the Irish House of Commons, and at the time of his nomination to the Government of Trinidad, was Colonel of the Londonderry Regiment of Militia. He could also count upon the favour, if not the esteem, of the English Government for an important service he had rendered at a moment of great anxiety.

To students of Irish History the name of Wolfe Tone recalls the memory of the most enthusiastic of that band of ill-advised but ardent young Irishmen who, a century ago, believed in the possibility of Ireland's becoming an independent nation, and who in furtherance of that idea had formed an association known as the United Irishmen. Of this association, Tone was the moving spirit, and so contagious was his enthusiasm that he succeeded in persuading the French Directory to send an expedition under the command of General Hardi to invade Ireland. Tone, who held a commission

in the French Army, accompanied this expedition which, being met on the 20th of October, 1798, by a superior force under Admiral Warren, was forced to surrender. The French Officers were of course made prisoners, but were treated with the greatest hospitality by Lord Cavan in whose house they were lodged. Wolfe Tone, wearing the French uniform and habitually using the French language which he spoke like a native, was on the point of returning to France with the other Officers, on exchange, when, unfortunately for him, Lord Cavan invited some of the Londonderry Militia to dinner, and amongst them the future Governor of Trinidad. Hill and Tone were of the same age, and had been friends and fellow students at Trinity College, Dublin. The former knew all about the connection of the latter with the United Irishmen, and he also knew, none better, that if his old schoolfellow were to be captured in French uniform and actually bearing arms against England, his life would not be worth an hour's purchase. He alone had recognized him, he was not specially, or even generally, charged with the duty of arresting him, and he met him under the hospitable roof of their mutual host. He had but to hold his tongue and Tone was safe. Whether these thoughts occurred to Hill and he repelled the generous impulse they suggested, or whether he was taken by surprise and acted thoughtlessly, is not known, but what he did was to walk up to Tone and call him by name, thus betraying his secret to the world. Of course Tone was at once arrested and conveyed to Dublin where he was tried by Court Martial and sentenced to death. This incident gave Curran the occasion for one of his grandest displays of eloquence when applying to Lord Kilwarden for a writ of *habeas corpus* to rescue Tone from the grasp of the Military tribunal by which, as he contended, the latter had been illegally condemned. Who can read without deep emotion the description of that scene, when the venerable Judge, moved to tears by the pathos of the orator, ordered the writ to issue, and, when the messenger of the Court returned saying that the Keeper of the Military Prison refused to deliver up the prisoner without the order of Major Sandys, indignantly ordered the arrest of the Keeper and Major Sandys himself. It was however too late, for Tone had anticipated events by inflicting

upon himself a wound which ended fatally a few days later.

Whatever were the motives which caused Sir George Hill to act as he did, Tone's capture was due to him, and the English Government never forgot the service he had rendered. A few years later, in 1806, he was appointed a Lord of the Irish Treasury, and subsequently, in 1817, Vice-Treasurer for Ireland. In that office he seems to have been unfortunate, for when, in 1830, he was named to the Lieut.-Governorship of St. Vincent, the nomination was severely criticised in the House of Commons, and it was even alleged that the post had been given to him to save him from the consequences of an official inquiry into his accounts.

When he was appointed to succeed Sir Lewis Grant, there were many Irish residents in the Colony whose sympathies were certainly not on the side of the "Castle Party" in Dublin, but Sir George Hill had the genuine Irish knack of making himself agreeable, and his wife, like all the ladies of her House was exceedingly popular. These two things combined with the lapse of time, caused a forgetfulness, or at any rate a non-remembrance, of the unfortunate episode which had occurred five and forty years before at Lord Cavan's dinner table.

One of the first matters of which Sir George Hill took cognizance after his arrival was the incident already referred to, as having occurred between Captain Young Anderson and his brother Officers of the Militia Artillery, and the view he took of it is clearly indicated in the following General Order :—

ADJUTANT-GENERAL'S OFFICE,
8th May, 1833.

In assuming the Government of this Colony, the Lieut.-Governor* amongst his first duties, directed his inquiries into the existing state of the Militia, when a Militia Order was put into his hands, issued by his predecessor on the very day the Lieut.-Governor was sworn into office.

The Lieut.-Governor perused this document with surprise and pain. With surprise, that his attention had not in any wise been drawn to the

* Sir George Hill arrived with title of Lieut.-Governor, instead of Governor which had been borne by his predecessors, but there does not appear to have been any change made in his position at that time, as all instructions came to him direct from the Colonial Office as before.

matter of it, previous to the departure of his predecessor from the Island,—with pain, inasmuch as it opened to the view of the Lieut.-Governor, a state of disorganization amongst many of the Officers of the Artillery Regiment, to whose charge and guidance to discipline had been confided this most important Arm of the Colony, for general defence, and for the preservation of tranquillity in any case of disturbance. The welfare of the Colony and the duty of the Lieut.-Governor demand that this discreditable and mischievous procedure should be arrested. It must cease.

Whilst the Lieut.-Governor was anxiously devising in what manner he could best remedy, or provide against, the evils detailed in the General Order of the 20th ultimo, he received a verbal complaint from Captain Anderson against some of the Officers of the Artillery Regiment, which the Lieut.-Governor required to be furnished with in form, and in writing.

The Lieut.-Governor subsequently received a communication, dated the 28th ultimo, through the Deputy Adjutant-General, submitted by Colonel Neilson on the part of many Officers of the Artillery Regiment, containing a variety of documents calculated (by them) to excuse their conduct as noticed in the Militia General Order of the 20th ultimo, and strongly inculpatory of Captain Anderson, and urging for inquiry.

The Lieut.-Governor feels himself placed in a position of considerable embarrassment to deal with this case. Upon reference to the Deputy Adjutant-General, and from documents now before the Lieut.-Governor, it appears that no investigation or inquiry into it was made, nor reply given to the letters addressed upon the subject of it, by the Colonel of the Regiment, through the Deputy Adjutant-General to the Governor, whose Militia General Order referred to, approves of the conduct of Captain Anderson, leaving the disorganised state of the Officers of that Regiment unremedied, and the task of restoring order (so indispensable), to the Lieut.-Governor.

The Lieut.-Governor was at first view, disposed to order a Military investigation, but after a careful revision of all the circumstances, and on mature deliberation, he has concluded that such a proceeding would let loose and give play to, irritated feelings, which for the harmony of society should be discouraged and ought to subside. Besides, the Lieut.-Governor has, in the documents presented to him by the Officers of the Royal Trinidad Regiment of Artillery, sufficient facts stated, and admissions made, to enable him to deal with a case which requires immediate discussion, and which if protracted by further investigation, would augment the differences which unhappily exist.

The Lieut.-Governor therefore, under all these considerations and impressions, has decided on expressing, as he does now hereby express, not merely his disapprobation, but his censure, of the conduct of Colonel Neilson, who had been apprised by letter from his Officers of their intention not to parade with Captain Anderson, and who had executed that intention by withdrawing from parade on the 3rd of February last, whilst under the command of Colonel Neilson, who merely

reported the circumstance to the Governor without marking his own disapprobation of their conduct by previously, and immediately, placing them in arrest.

On the unmilitary, insubordinate conduct of those officers, so dangerous in example, and liable to serious visitation, as alluded to in the Militia General Order of the 20th ultimo, the Lieut.-Governor hereby pronounces his very highest censure. He is grieved in doing so when he refers to the undoubted testimony borne to their former military character, in which merit was so distinguished.

The conduct of Captain Anderson, who is a prominent person in the consideration of this case, has been approved by the late Governor, and Mr. Anderson advanced in rank; be it so; where Sir Lewis Grant has decided on a *military* point, the Lieut.-Governor abstains from interference. But satisfied as the Lieut.-Governor is, that politics have much mixed themselves with, and occasioned differences which led to the disorganization now to be cured, and to be prevented in future, it becomes obvious that Captain Anderson was so deeply engaged in political writings and discussions (which must not be permitted ever to interfere with the harmony of a Corps of Officers), that if he remained attached to the Royal Artillery Regiment, the Lieut.-Governor could not feel assured that all there would remain in peace and goodwill towards each other. The Lieut.-Governor does therefore hereby appoint Major Anderson from his Company in the Royal Regiment of Artillery to the Staff situation of Deputy Paymaster-General.*

By Command of His Excellency,

HENRY GRAHAM, Lieut.-Colonel,
Dep. Adjutant-General, M.F.

The Committee of the inhabitants of Trinidad, which had been so active during the Government of Sir Ralph Woodford, was now employed in watching the action of the Imperial Government with regard to the important question of Negro Emancipation, soon to become an accomplished fact. On the 18th of July, 1833, Mr. Edward Jackson, the Chairman of the Committee, addressed the following letter to the Governor:—

SIR,

You will easily believe that the planters and merchants of this Colony, apprised by the public papers and by their private correspondence of the adoption by the House of Commons of the Resolutions pro-

* The Militia Order Books are no longer in existence, or cannot be found. I am therefore unable to give the General Order of the 20th April issued by Sir Lewis Grant on the eve of his departure. It is however pretty clear from the observations made by Sir George Hill, that his predecessor contented himself with some general

posed by the Colonial Secretary for the abolition of Colonial Slavery, are most anxious to learn, as early as possible, what measures His Majesty's Ministers intend to recommend for carrying those Resolutions into effect in this Colony. By the reports in the public papers, they observe that great, though certainly not exaggerated, importance is attached to the co-operation of the Colonial proprietors in promoting the success of the Government proposal; and they, of course, are desirous to know the nature of the measures in which their co-operation is required, and the terms on which it is expected.

A Meeting of the Committee appointed by the General Meeting of the Inhabitants, which includes all the principal merchants and planters in the Colony, is convened for to-morrow at eleven o'clock, and if Your Excellency has received any communication from His Majesty's Ministers respecting the measures which they intend to adopt for carrying the Resolutions of the House of Commons into effect in this Colony, and the nature and extent of the co-operation which is expected or desired from the Colonial proprietors, I, as their Chairman, take the liberty of requesting Your Excellency to favour them with such information on these points as may without impropriety or inconvenience be communicated to them.

I am, Sir,

Your obedient humble Servant,

His Excellency

EDWARD JACKSON.

The Right Honourable

Sir G. F. HILL.

ST. ANN'S,

Friday,

19th July, 1833.

SIR,

I had the honour of receiving last night, your letter of yesterday's date, requesting, on the part of the merchants and planters of this Colony, information on the following points, so far as such might be given without inconvenience or impropriety, from any communications I may have received from His Majesty's Ministers:—

First.—What measures Ministers intend to recommend or adopt for carrying into effect the Resolutions of the House of Commons passed for the abolition of Colonial Slavery.

strictures on the highly improper conduct of Colonel Neilson and his Officers, whilst showing approval of Captain Anderson's conduct generally, by promoting him to the rank of Major. It is easy to understand the annoyance which this caused to his successor, and which is manifested throughout his Order.—*Author's Note.*

Next.—What is the nature and extent of the co-operation desired from slave proprietors in promoting the success of the Government proposal and the terms on which it is expected?

Assure yourself and those gentlemen on whose part you have made this application, that I will always respectfully receive and candidly reply to their communications on the concerns of this important and interesting Colony. In the present instance I do not possess the means of giving the information to the extent required.

I commence however, by directing your attention to an authentic copy (inclosed) of the Resolutions which have been passed by the House of Commons.

They form the ground work of the intended measure, and must receive confirmation by detailed enactments of the Legislature; and whilst I anticipate the anxiety which may prevail, to ascertain what may be the provisions of any Act to give effect to those Resolutions and to obviate the many difficulties with which the extinction of slavery must be accompanied, yet no Despatch has been or could be, addressed to me, predicting with any confidence what may be adopted, altered or amended, in the various details of the Bill which is to be brought before Parliament.

In reply to your second query—the nature of the co-operation required, and the terms on which it is expected—I have to announce His Majesty's confident hope that his faithful subjects of Trinidad will now approach this question with the dispassionate seriousness due to the immense interests at stake; that they will deliberately estimate the progress and present state of public opinion as bearing on this subject, and as rendering the extinction of slavery inevitable; and that therefore they will unite in the zealous prosecution of this great design to a successful issue. They can, most usefully, by conciliatory explanations to the slaves, prepare their minds for the intended change, and can exert themselves by friendly means, to dispel any illusions under which the negroes may be found to labour, as to what is to be the real nature of their own condition. Like all the rest of His Majesty's subjects, they will be required to earn, and must earn, the food they are to eat, by industry, and entitle themselves to protection by subordination to the laws. Let all classes of the Laity, and the Clergy of all the different persuasions, the Masters and the Magistrates, make due efforts to disabuse them of the mischievous suggestion that freedom means "*no more work to be done.*" The King, the Nation, and the Parliament of Great Britain, demand the most tranquil and orderly submission from them to such laws as shall be framed for their future government, which are intended to provide for their emancipation, with certain restrictions which shall regulate the reciprocal duties between master and servant.

On your question of the terms on which co-operation is expected from the Colonial proprietors, supposing it to refer to the grant of money, I refer you to the 4th Resolution; and I have to state that it is proposed for the distribution of it, that a Body should be constituted, armed with judicial powers for adjusting the claims between the different Colonies

and between the different proprietors in the same Colony, to a participation of it.

Effectual security will be taken against the accumulation of costs and expenses upon the claimants, and methods will be devised for enabling claimants resident in the colonies to obtain an adjudication without the inconvenience of employing agents in England.

It is further intended to refer to the same judicial Body the solution of the many intricate questions which must arise from the transfer of Settlements and Mortgages, and other charges, from the Land and Slaves now subject to them, to the money by which a part of the value of those slaves will be represented.

The Colonial Code of Law must be revised and made applicable to the new state of things.

I have thus endeavoured, as far as my communications enable me, to impart to you all the information you have asked for, and

Have the honour to be,

Sir,

Your obedient humble Servant,

G. F. HILL.

EDWARD JACKSON, Esqre.

The answer conveyed nothing to the slave-owners that they did not already know, and they particularly resented the exhortation to assist in maintaining order and subordination, holding as they did that any breach of either the one or the other was due to the Anti-Slavery Policy of the Government.

At the moment of Sir George Hill's arrival the community was in a state of great excitement. The Chief Justice had rendered himself exceedingly unpopular by the part he had taken in the question of the Slave prosecutions and by the too evident leaning he showed in favour of the Anti-Slavery party, the "Saints," as they were called. He was also accused, and it must be admitted that he gave some grounds for the imputation, of being of a grasping, avaricious disposition, and of taking advantage of his official position to benefit his relatives and friends. On these grounds he had been bitterly assailed in the columns of the *Port-of-Spain Gazette* which was then owned by Mr. Drinan, a merchant of some standing, the editor being Mr. Stewart, and the printer and publisher, Mr. Henry James Mills. One of the grounds upon which the Judge was

attacked was his having appointed his son to the post of Escribano of the Supreme Court, an office corresponding to that of the Registrar at the present day. In doing this he had clearly infringed the Spanish Law, which forbade the holding of such an office by any relation of the Judges of the Court. In addition to this, the Law fixed the age beneath which such an appointment could not be held, and young Scotland wanted some years of the limit. The Judge very unwisely, first showed his resentment by depriving the *Gazette* of the Court Advertisements which in those days were worth a good deal of money, and then, finding that this had no effect, he filed two actions for libel against the proprietor, the editor, and the publisher of the Paper. Of course he could not try the case himself, and it was expected that Mr. Wylie, the acting Attorney-General, whose political views were the same as those of the Judge would be appointed to act for the occasion. It so happened, however, that a day or two before the date fixed for the trial, Mr. Rothery, the newly appointed Attorney-General, arrived in the Colony, and the Governor named him to sit as acting Chief Justice to hear the case. The trial was to have come on on Monday the 21st April, and the Court House was crowded with an expectant audience, when a rumour was suddenly circulated that something extraordinary had occurred which would necessitate a postponement. The rumour soon became a certitude. It appeared that during the previous night the Court House had been broken into, and an iron safe containing all the papers connected with the case had been carried away. What made the matter worse, was that the sum of \$200 in gold had been locked up in the safe along with these papers. The robbery was at once reported to the Governor, who immediately went over to the Court House to investigate the matter in person. Whilst so engaged, with the assistance of the Attorney-General and the Chief of Police, the Parish Priest of Port-of-Spain, the Rev. Patrick Smith, entered the Court, and advancing to where the Governor was sitting, deposited on the table in front of His Excellency, a bag containing the missing money. When asked how it had come into his possession, he replied that it had been given to him under the seal of confession. In vain did Sir George Hill, whose early experiences in Ireland might have

taught him better, threaten him with imprisonment if he did not divulge the name of the person by whom the money had been given to him. Father Smith merely repeated the same thing, and was at last allowed to retire unmolested. Of course, many persons knew all about the matter at the time, but the secret was so well kept that it was not until many years after that the names of the perpetrators of this practical joke, for it was nothing else, became generally known. The parties are all long since dead and there is no need to name them. They were all young men, and friends of Mr. Drinan, and they thought it would be great fun to abstract the papers just to annoy Judge Scotland whom they cordially detested. They found no difficulty in entering the Court House, which we have already described as being a ricketty old building, nor in carrying away the safe. This they took to the house of one of their number, and it is easy to imagine their dismay when on opening it they found, in addition to the papers, the \$200 in gold. They saw at once that they had put themselves into an awkward position, and the question was : How were they to get out of it ? It was late at night and no time was to be lost. It occurred to them to consult a friend whom they knew they could trust implicitly. Acting on his advice they took the empty safe to a vacant space to the westward of the town, now known as Shine's Pasture, and there left it, to create the impression that ordinary thieves had been at work. The papers, which turned out to be only office copies, they destroyed. Their confidant took charge of the bag of doubloons and handed it to the Rev. Father Smith with the result we have seen. This rather silly practical joke, which at one time threatened to take a very unpleasant turn for its perpetrators, merely delayed the trial for a short time while fresh copies of the missing documents were being prepared. The case ended in a verdict against the defendants for £1,200 currency, equal to £480 sterling, and the costs. The press and types were levied upon, but as they did not realize sufficient to cover the Judgment, two of the defendants, Messrs. Mills and Stewart, were arrested and imprisoned, and for some time the editorials were dated from "No. 1, Clarence Street," as from its position the Gaol has always been familiarly called. Judge Scotland as he might have foreseen, did

not gain in popularity by this rather contemptible victory.

Very little worth recording took place during the next two years. The whole Body of West India proprietors throughout the Colonies and in Europe, was in a state of discontent owing to the Emancipation Legislation, and no other subject seems to have had any interest for the public. In August 1836, however, an event occurred which deserves mention. It has been already stated that one of the natural consequences of the cession of the Island to the British Crown was that the prohibition against the practice of any other form of worship than that of the Roman Catholic Church ceased to exist. Notwithstanding this, in 1836, there was but one Anglican Church (now Trinity Cathedral) and one other Protestant place of worship (Wesleyan) in the whole Island, both of which were in Port-of-Spain, whilst there were many Scotch families resident in the Island, and they naturally felt the want of religious ministrations according to their mode of belief. On the 1st August, a Meeting was held at which the matter was discussed, and a further Meeting of "Persons friendly to the establishment of Presbyterian places of worship within the Island" was summoned for the 13th of the same month. At that Meeting the following Resolutions were passed:—

1st.—That there being a numerous and respectable body of individuals resident in this Island who profess the form of worship of the Established Church of Scotland, and who contribute largely to the revenues of the Colony, this Meeting is of opinion that they are entitled to claim from Government the same privileges with regard to the establishment and endowment of places of worship of their persuasion, as are already enjoyed here by their brethren of the Church of England and of the Roman Catholic Church.

2nd.—That Presbyterian Churches, in connection with the Established Church of Scotland, having been erected in British Guiana and Grenada, to which Ministers have been appointed whose stipends are paid out of the public revenues of those Colonies, there is every reason to hope that the British Government, on proper representations being made, will be induced to sanction the extension of the same advantages to this Colony; more especially at this particular crisis, when an anxious desire exists on their part to promote the moral and religious instruction of our labouring population.

3rd.—That a wide field exists in Trinidad for the labours of Presbyterian Ministers without interfering with the flocks of either the Protes-

tant or Catholic Clergymen already beneficed; as there is only one Protestant Episcopal Church and one Methodist Chapel in the whole Island, which being both situated in Port-of-Spain, the Protestant inhabitants in the remote country districts are destitute of religious instruction, while several extensive and populous quarters are entirely without places of Christian worship of any denomination whatsoever.

4th.—That this Meeting cordially concurs in the sentiments expressed in the first Resolution agreed to by the individuals who assembled on the 1st instant, viz. :—"That it is expedient and highly desirable that an Association be formed for the purpose of furthering the establishment of Presbyterian places of worship in this Island;" and that this Meeting do form itself into such Association, to be denominated "The Trinidad Presbyterian Association," and which all persons friendly to its object are invited to join.

5th.—That Joseph Graham, Esq., be elected President of this Association, Thomas Roxburgh, Esq., Vice-President, William Cross and John Ramsay, Esquires, Joint Secretaries and Treasurers; and that Colonel Hamilton, Dr. Anderson, John Lamont, Henry Graham, John Losh, Jas. Taylor, Robert Dennistoun, Alexander M'Alister, Robert Gray, Alexander Gray, Anthony Cumming, Alexander Jack, and David Hutchinson, Esquires, do form, with the Office Bearers, a Committee of Management, with power to add to their number; one Office Bearer and two other Members to form a quorum.

6th.—That the Committee be instructed to prepare a Memorial to be presented to the Honourable Board of Council, praying that the stipend of a Presbyterian Minister be included in the Estimates for 1834; also a Memorial to the Secretary of State for the Colonies, praying that part of the funds expected to be placed at the disposal of Government, for religious purposes in the West India Colonies, may be appropriated to the building and endowment of Presbyterian places of worship in Trinidad; and further, to adopt such measures for furthering the objects of the Association, as to the said Committee may appear from time to time expedient.

7th.—That a subscription of Twenty shillings currency (\$2) to constitute a fund for defraying incidental expenses, be paid to the Treasurers by each member on joining the association.

THOMAS ROXBURGH,
Chairman.

In an earlier part of this volume the circumstances were related under which Trinidad was included in the Anglican Bishopric of Barbados, and the reception on his Pastoral visit, of Dr. Coleridge, the first Bishop of that See. Ecclesiastical Law was but little studied in England in those days, which were long anterior to the famous judgment of the Privy Council in the *Colenso* case, so that no exception was taken to the territorial jurisdiction thus con-

ferred, but which it seems Dr. Coleridge was rather chary of exercising. The columns of the *Port-of-Spain Gazette* for the years 1835-6 are full of complaints from all parts of the Colony of the inattention to the spiritual wants of the persons belonging to his flock shown by His Lordship the Bishop. Towards the end of 1835 a Circular was sent from Barbados to all parts of the Diocese, appealing for aid to repair the Episcopal residence which had been seriously injured in the great hurricane of 1831. This brought forth an editorial in the *Gazette* of which the following is an extract:—

“His Lordship landed here under a Royal salute in the year 1824, accompanied by his Suite in full canonicals, and his nephew in full cry after the Lions of Trinidad, to be put into his “six months in the West Indies.”

His Lordship remained here a few days (his time being precious) —

“Married a few
And baptised more”—

and went his way.

Since then His Lordship has paid us visits at irregular periods and intervals of from one to two or three years;

“And just as before,
He married a score—
Baptised some more,
And confirmed those he baptised before.”

About three months since, His Lordship sent us down—

“One Minister more
Than we had before,
After fifteen years and more.”

* * * * *

His Lordship has not put us to the expense of building a single Church or Chapel, or of founding or maintaining one single School, for which, considering that there are only 45,000 inhabitants in the Colony, and that such an amount of population spread over 2,500 square miles, afforded His Lordship ample opportunity for exercising his patronage, we cannot but feel grateful.”

It does not in truth appear that any very great efforts were made at this time to increase either the number of places of worship of the Anglican Communion, or of Her Ministers. The Rev. J. H. Clapham, who had been Rector of Port-of-Spain since 1801 died on the 3rd of January, 1835, at the ripe age of 75, and was replaced by the Rev. George Cummins who had as his Curate, the Rev. Jackson. The Rev. David Evans, who had been Chaplain to the Forces since the occu-

pation of the Island, still held that post, the duties of which, combined with his age and infirmities, prevented his giving much assistance to his brother clergymen. Under these circumstances, the complaints of the laity do not seem to have been without some foundation.

The sum of £20,000,000 had been voted by Parliament as compensation to slave-owners for the loss of their slaves, a sum, which large as it was, by no means sufficed for the purpose. Commissioners and Assistant Commissioners were appointed to inquire into all claims for compensation, and, their delays, often unavoidable, added to the discontent and ill-humour of the exasperated slave-owners. There was also, not only in Trinidad, but throughout the Slave Colonies an immense amount of rascality practised in connexion with these compensation claims. Very many persons in poor circumstances, quite unable to look after their own business were induced to sell their Orders on the Fund for a mere fraction of what they were worth, and so great were the impositions practised in this way that an Ordinance was passed in Council on the 19th of December, 1835, with a view to protect these persons, but it became practically a dead letter as it was found to interfere with the perfectly legitimate transactions of *bonâ fide* agents.

Towards the end of the year 1836 three deaths occurred, two of which deserve notice as being those of persons long connected with the Colony, whilst the third, that of Lady Hill, created a considerable amount of feeling at the time, due partly to her position, but still more to her personal good qualities.

In Chapter VI. of the First Volume of this work, mention was made of the Royalist Leader, Colonel de Soter, who distinguished himself so much in the struggle between the Republicans and the Royalists in Martinique during the Revolutionary war. His son, Gaudin de Hervey de Soter served with his father on the personal staff of Sir Ralph Abercromby when Trinidad was captured in 1797, and took up his residence in the Island until his death, which took place on the 30th of September, 1836. He was the proprietor of the *Frederick* estate in the quarter of Caroni. His death was shortly after followed by that of one who had played a prominent part in

the troublous times of the Commission Government. Our readers will not have forgotten the incident of the domiciliary visit paid by Colonel Fullarton to Mr. Black, and his arrogant attempt to release from the custody of the latter the Escribano De Castro (Vol. I., Chap. IX.) Mr. Black was a native of the County Antrim, and arrived in Grenada in the year 1771. In 1777 he was appointed a Member of Council of that Island, under the Government of Lord Macartney. In 1779 he was Lieut.-Colonel commanding the St. George's Regiment of Militia. After the capture of Grenada by the French in 1784, Mr. Black left that Colony and established himself in Trinidad. From his long experience, as well as from his talents and ability, he was universally looked up to by all ranks in the Colony. He died on the 8th of October, 1836, at the age of 83, respected and regretted by all who knew him. The third death was that of Lady Hill, the wife of the Governor, which occurred on the 2nd of November. As stated at the commencement of this Chapter, she belonged to the Beresford family, being a daughter of the Right Hon. John Beresford, and at the time of her death was 69 years of age and had been married for 48 years. She was a most amiable and kind-hearted woman, much beloved by all who knew her. She was Patroness, not only officially but really, of the Society for the Relief of the Poor (now the "Daily Meal Society") in which she took the liveliest interest. At her own request she was interred in the grounds of the residence at St. Ann's.

As we have already quoted instances to show that Trinidad was not without votaries of the muses, we reproduce the following *jeu d'esprit*, not without merit, which appeared in the *Port-of-Spain Gazette* in November, 1836, the occasion being the sudden collapse, one windy night, of a rickety old fish-house which had long been an eye-sore, and the subject of jibes for all the wits and witlings of the Town :—

ROMANCE MUY DOLOROSO ;

OR, A MOURNFUL BALLAD ON THE DOWNFALL OF THE FISH-HOUSE.

Lament in verse—lament in prose
 For our late fish-house mourn ;
 A *weighty* loss—tho' proved to be
 A *scaly* old concern.

They there sold King-fish, mullets, sprats,
 And our Cabildo paid ;
El branche, and oyster *branches* too,
 Were *branches* of their trade.

Their commerce throve—and every month
 Much profit did they get ;
 The *fish-hail* netted much—(for all,
 Was *fish* that came to net).

The house grew old—the house grew frail,
 Till it excited laughter ;
 For heavy rains and solar *beams*,
 Decayed each *beam* and rafter.

The *Regidors* were *rigid* men,
 They would make no repair ;
 But *selfishly* they still resolved,
 That folks should *sell fish* there.

The public prints the building quizzed,
 But still they made reply—
 “ It is no use your *roasting* us,
 We’ve other *fish to fry*.”

At length there came a gust of wind,
 That startled half the town ;
 The folks within the fish-house *squalled*—
 The *squall* the house threw down.

Down fell into the briny sea,
 Roof, rafter, floor and prop ;
 The fish-mongers had grown quite *proud*,
 And so they “ *sunk the shop*.”

The fish they *floundered* in the gulf,
 ’Twas their emancipation ;
 Their owners had not *mortgaged* them,
 So got no *compensation*.

The turtle casks were overthrown,
 The turtle were in clover ;
 They were quite *drunk* with joy—at least,
 They soon were *half-seas over*.

In haste the boatmen *baled* their boats,
 To try the fish to save ;
 And to the ruins pulled—in vain,
Fin-bail the fishes gave.

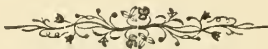
The cauramaw escaped men’s *maw*,
 (The cooks looked on with stupor) ;
 The crowd for *snappers*, *snappish* were,
 And *groped* in vain for *grouper*.

To catch the turtle next they tried
 And pulled with rapid action ;
 The turtle *mocked* their action—’twas
Mock-turtle in perfection.

Illustrious Board ! Illustrious Board !
Your errors all bewilder ;
Your house has fall'n—and you must be,
Cabildo—its re-builder.

ROBBING-HOOD.

NOTE.—Before closing the record of the year 1836, there is one event which marked it and deserves notice. In March of that year a notice appeared in the papers of the Colony announcing that “The Ladies of the Religious Order of St. Joseph,” purposed shortly to open their establishment for the education of young ladies. It was in this modest way that the institution now known as “The St. Joseph’s Convent” first made its appearance. It did not then occupy its present position in Kent Street, but was domiciled temporarily in a house in St. James’s Street belonging to a lady of the name of Le Cadre. The first Superioress was the Rev. Mother Marie de la Croix, and there are possibly to-day, at an interval of exactly sixty years, a few old ladies who may remember her. From that day to this, the Catholic Mothers of Trinidad have been reared in that noble institution and learned from their saintly teachers those lessons of religion which have fortified them for their duties in this world and prepared them also for the world to come, and it is to that Convent especially in its earlier years that many ladies not of the Catholic Faith have also been indebted for their education.





CHAPTER XXI.

THE gloomy aspect of commercial affairs was somewhat relieved by the opening in Port-of-Spain of a Branch of the Colonial Bank under the management of Mr. Anthony Cumming, in May 1837, and almost immediately afterwards an event occurred which effectually for the time aroused the community from the apathy into which it was plunged.

A detachment of the 1st West India Regiment was at that time quartered at St. Joseph, under the command of Lieut.-Colonel Bush. The barracks were situated on the plateau just above the town which is intersected by the road to Maracas, the officers' quarters and mess room being on the eastern side of the road a little in advance of where the convent now stands, and the soldiers' barracks on the western side, just where the weekly market is now held. It so happened that a large number of recruits to the number of 100 or more, had recently joined this detachment and that with the exception of the non-commissioned officers there were not half a dozen old soldiers on its strength. The system by which the West India Regiments were recruited in those days was very peculiar. England was busily engaged in a Quixotic attempt to put down the Slave Trade, and, at an enormous cost, maintained a squadron cruising off the Guinea Coast from whence the bulk of the slaves were shipped. Not only were many valuable English lives lost by the deadly fevers contracted from the deadly malaria of the African swamps, but our well intentioned but very partially successful efforts to stop the traffic, only augmented the horrors of the "Middle Passage," as the run from the Coast to the Slave Colonies was called. In order to evade the British cruisers the slavers were made to look as much like honest traders as possible, and the wretched slaves were kept chained together between decks so that they could not be

seen. If pursued, and the slaver captain saw no chance of escape, the leeward ports were opened and the whole cargo of living wretches thrown into the sea to sink at once under the weight of their chains. Sometimes this horrible expedient could not be resorted to in time, and then the vessel and cargo was seized and taken to Sierra Leone or some other British port where there was a Vice-Admiralty Court by which the slaver and cargo were declared lawful prizes. The slaves were of course at once liberated and were distributed amongst the British Colonies as free labourers. The finest of the men were drafted into the West India Regiments, and after a few years' drill and discipline made splendid soldiers as all who can remember them will testify. At the same time there was an element of danger in this mode of recruiting as was but too clearly proved by what happened in Trinidad in 1837.

Amongst the recruits drafted to the detachment of the 1st West India Regiment at St. Joseph was a man who in appearance and everything else was most remarkable. A giant in height (he stood 6 feet 6 inches in his stockings), he was of proportionately muscular development, and his well marked features wore habitually a savage and morose look, which a slight cast in one eye did not improve. His story, as told by himself, and there does not seem to have been any reason to doubt its truth, was a most curious one. He stated that he was the adopted son of the childless King of the Pawpaw tribe and that he had headed an expedition against the Yarabas in which he had taken a number of prisoners. These, according to custom, he had sold to a Portuguese slaver lying off the coast. The captain of the slaver had arranged with Daaga, as the Chief was called, that the slaves should be brought on board at night, alleging as a reason that he wished to elude the British cruisers known to be on the look-out. To this Daaga consented, and after nightfall conveyed his prisoners on board the vessel, under a guard of his own followers, who assisted in stowing them away below. This was just what the slaver captain had planned. As soon as all were below, the hatches were clapped on, and before Daaga had time to realize the trick that had been played upon him, the vessel was under way for the coast of Brazil. What the captain had dreaded

came to pass. He was unable to elude the vigilance of the cruisers, and Daaga, in company with his Yaraba prisoners and the men of his own tribe, were conveyed to Sierra Leone where they were all treated as liberated slaves. He was drafted into the 1st West India Regiment, with the most able-bodied of his male companions, and the authorities, either not knowing, or not crediting his story, unfortunately allowed many of his tribe to accompany him. It was the custom, as soon as the slaves were liberated, to baptise them as a matter of form, and to give them Christian names and surnames, and Daaga found himself transformed into Donald Stewart. The untutored mind of this African savage was naturally quite unable to make any distinction between his Portuguese captors and the British who had liberated him. To him they were *white men*, and by white men he had been tricked, carried away from his country, and, a Chief and a prospective King, treated with the greatest indignity. No wonder then, that he should hate all white men and vow vengeance upon them. He was a warrior, but to him war had nothing in common with the monotony of the "goose step" and the torture of the "stock," whilst the confinement and enforced obedience, either to the hated whites or to black non-commissioned officers belonging to tribes with which he had often waged successful warfare, were daily and hourly goading him into desperation. Strangely enough, although subsequent events showed clearly that he must have communicated his plans to several others, no one in authority seems to have had the faintest suspicion that anything was wrong. For some reason, never clearly explained, the recruits, Daaga amongst them, lived in a set of barracks by themselves, the few old soldiers being huddled together at some little distance from them. The barracks were not enclosed, but there was a guard room and a regular guard. On the morning of the 18th of June, between the hours of 3 and 4, when the town of St. Joseph was wrapped in sleep, the inhabitants were roused from their slumbers by the sound of firearms rapidly discharged, accompanied by savage yells intermingled with words of command and loud imprecations in English. To add to their terror, bright flames were seen shooting up from the direction of the barracks and above all the din

was heard the weird sound of an African song chanted by many voices. The following extracts from the Official Report made by Captain Rousseau of the St. Joseph Light Infantry (Militia), will give a good idea of what occurred in the town. (For a narrative of what had already taken place at the barracks we shall follow the evidence given at the Court Martial).

“ A little after 3 o'clock of the morning of the 18th of June, I was alarmed by the sound of the bugle from the barracks, and in a minute or two afterwards heard some shots fired; I got on my regimentals, and, on opening my gate to go out, saw Mr. Bentley (Adjutant of the 1st West) riding by the house; I asked what was the matter, and he replied 'Mutiny at the barracks.' . . . I immediately sent for Athanase, the bugler of the Militia, and made him sound the 'Alarm.' I awakened Sergeant Thuillier and went to the Arsenal accompanied by him and Sergeant Gourville. I left Thuillier at the Arsenal telling him to keep 6 men with him as they came up, and to hurry on the others to meet me at the corner of the street leading up to the barracks. As soon as I had mustered some men I sent a guard to the head of the street leading down to the river, and another to the corner by Mr. Acome's house where they were able to drive back some of the mutineers who had come down, armed only with cutlasses. . . . Major Giuseppi now came up and went to the Arsenal to superintend the issue of arms and ammunition to the Militia, and in a short time we had about 40 men under arms. . . . Shortly afterwards a party of the mutineers, about 5 or 6 in number, with Donald Stewart at their right, came down the hill leading from the barracks, all armed with fire-locks; they were challenged when at about 20 paces distant from the Militia post, and they immediately discharged their muskets, two militiamen returning their fire. Donald Stewart rushed forward along the palisade of Mr. Mexia's house, and when he arrived at the corner a militiaman named Edmond Luce leaped on him. Stewart was dragging him away when I and others went to his assistance. Donald Stewart was with difficulty secured in the Militia Orderly Room. . . .

“ P. ROUSSEAU,

“ Captain and Adjutant,

“ St. Joseph's Light Infantry.”

Colonel Jackson, who was in charge of the 2nd Militia Division, in which St. Joseph was situated, learning that a large body of the armed mutineers had crossed the river and were making for the East, despatched Staff Adjutant Paul Giuseppi on horseback to prepare the Arima Militia for them. They in all probability had found

some of their countrymen to guide them, for although they were strangers and Mr. Giuseppi was well acquainted with all the short cuts, he arrived in Arima but just in time to give the alarm and prepare for their reception. Accompanied by Mr. Thornton Warner and about sixteen of the Militia, he, in obedience to the orders he had received from Colonel Jackson, returned to meet the advancing mutineers, which he did at a short distance from the town of Arima. Both parties halted, and Mr. Giuseppi and Mr. Warner did their best to persuade the mutineers to lay down their arms and return quietly to their barracks. This, however, they positively declined to do, and Mr. Giuseppi, seeing that they greatly outnumbered his small party, concluded that his wisest course was to get them into Arima where there was sufficient force to overcome them. He therefore accompanied them towards that town. But now another complication arose. When quite near the town they found a body of the Arima Militia drawn up under Don Martin Sorzano the Commandant, who resolutely refused to allow them to enter it. Another parley was held, and unfortunately in the midst of it a shot was fired, probably accidentally, by one of the mutineers, and a general *melée* commenced. The insurgents took to flight leaving fourteen of their men upon the ground, five dead, six severely wounded, and three prisoners. Only one of the Militia was seriously injured. Parties were sent out to scour the woods, and in a few days almost all the refugees were accounted for; some had died of their wounds, one had committed suicide, and the rest gave themselves up.*

* The above is a brief account of the Arima episode as reported officially, but in his old days Mr. Giuseppi was in the habit of giving a somewhat different version of his own share in it. He always averred that when he was returning to Arima with the mutineers and Militia, and met the Commandant Sorzano, the latter out of mischief pretended to believe that he (Mr. Giuseppi) and Mr. Thornton Warner had joined the revolt, and that it was this which led to the firing. When asked for his account of the fray, he used to say that as soon as he found himself between the two cross fires he slipped off his horse and crept into the bush, "and," added he, "the next day Jackson wanted to bring me to a Court Martial for unsoldierly conduct in running away." Those who remember his inimitable way of telling a story will appreciate this little reminiscence of one whose wit and retentive memory made him an admirable *raconteur*.

Whether he acted as he himself described or not, his conduct on the occasion was highly commended officially at the time.

The general Court Martial before which the mutineers of the 1st West India Regiment were tried, assembled at St. James's Barracks on Wednesday, the 19th of July, and was thus composed:—

<i>President</i>	...	...Major WALKER—65th Regiment.
<i>Senior Member</i>	...	...Brevet Major VICTOR—Royal Engineers.
<i>Captain</i>	...	...THORP—9th Regiment.
”	...	...LEWIS ”
”	...	...WYATT—36th Regiment.
”	...	...KENNY—89th ”
”	...	...GRAHAM—89th ”
<i>Lieutenant</i>	...	...PICKARD—76th ”
”	...	...EGERTON—89th ”
”	...	...WHITTINGHAM—7th Fusileers.
”	...	...AYLMER—89th Regiment.
”	...	...CLARKE ”
<i>Ensigns</i>	...	...PIGOTT ”
”	...	...HORNE ”
<i>Deputy Judge Advocate</i>	...	...Major HARPOUR—67th Regiment.

The first case called was that of Donald Stewart or Daaga. The prisoner was of course brought before the Court under escort and his appearance is thus described by an eye-witness:—

“His gigantic stature was such that his shoulders were on a level with the heads of the soldiers who guarded him. Attenuated by confinement, he scarcely seemed stout in proportion to his uncommon height, yet anyone who beheld him would pronounce him possessed of great physical power and activity. His features were well marked, with the peculiarity of the African negro (who materially differs from the creole black). We allude to the lengthened jaw, high cheek bones, thick and projecting lips, wide nostrils, and protruding eyes; his head, small in comparison to his stature, his forehead compact and by no means badly formed, although with too great a proportion of brain behind the ears. His voice most remarkable, being of astonishing depth and power.”

A somewhat unusual course was followed by the Court, in allowing Lieut.-Colonel Bush, after being sworn, to make a long, rambling speech in which argument and evidence (much of the latter being quite inadmissible) were mixed up in a most extraordinary manner. Of this the following extract from his opening remarks is a good specimen:—

“Mr. President and Gentlemen of this Honourable Court;—I stand before you in the most painful situation of prosecutor of several prisoners

(privates of the 1st West India Regiment) who will be respectively arraigned on charges the most grievous that a soldier can be guilty of, viz. : mutiny, and that too of a most diabolical and unfeeling nature.

I charge the several prisoners who will be brought before you, to say or prove that they have been unkindly treated by me, or by anyone placed in authority over them, and if the Court should deem fit, I shall produce such evidence as to fully satisfy the minds of every individual member that my conduct towards them has been like that of a kind parent who is ever alive to the interests of his children—seeking by the most friendly admonition to work upon their reason and to produce within them that gratitude which he has a right to expect. Necessarily I have corrected the bad, and even then I have carefully avoided great severity. I have done all in my power to make them good from *reveillé* to tattoo, and even after that. Ever since I joined the Corps in December 1835, I fondly flattered myself that the 1st West India Regiment would be a credit alike to my Officers and Non-commissioned Officers as to myself, who were all assiduously endeavouring to form these recruits, but alas ! on the 18th of June, a day on which we hoped to commemorate the glorious success of the British arms, my projected joy was clouded with sorrow, and my anticipated credit was covered with heart-felt regret, to think that a Regiment which, from its formation, distinguished itself for its loyalty and fidelity, and shared in the glories of Martinique, Guadeloupe and Dominica, at which latter place it had gained such laurels as must remain ever green ; to think I say, that this Regiment should be tarnished in any way by a set of mutineers.”

Colonel Bush then proceeded to offer various theories as to what had induced the recruits to mutiny, amongst others that the existence of a Sunday market in the neighbourhood of the Barracks had demoralized them as it caused their countrymen already settled in the Island to collect there, and he then proceeded to give the following extraordinary explanation of the fact that the recruits were all together, and that they were able to provide themselves with arms and ammunition :—

“ I had only seventy-eight old soldiers out of three hundred and fifty-eight, from which, Officers’ servants, band, sick in hospital, convalescent, and those on guard, must be deducted ; and in consequence of the rains having set in, the Medical Officer deemed it imprudent to have the recruits in tents. I was therefore, compelled to make every contrivance, and so allowed the old soldiers generally to sleep in small huts around the Barracks. I could not for an instant suppose but that the recruits were peaceable, and therefore it never occurred to me for an instant, to take the arms from their usual racks, not doubting but they were secure nor was the mischief discovered until the (old) soldiers went for their arms on the bugle sounding, and found that they were gone.”

The witness then gave evidence to the effect that between 3 and 4 a.m. of the 18th of June, he was awakened by the Sergeant-Major, who told him that the recruits had mutinied, and had seized the arms. Witness at once went to where the mutineers were assembled, and called on them to lay down their arms, on which four or five shots were fired at him and immediately afterwards a whole volley was discharged.

“Was sure that ball cartridge was used as he heard the bullets pass and strike the trees behind him. Seeing Lieutenant and Adjutant Bentley close by, witness ordered him to mount his horse and gallop to St. James’s Barracks for assistance. . . . Saw Donald Stewart coming out of the Sergeant-Major’s house. A large hut and Mrs. Dalrymple’s house were burned to the ground.”

After concluding his evidence, which was of a very discursive nature, Colonel Bush concluded in terms more extraordinary, if possible, than those in which he had opened his address.

“I leave the matter, Mr. President and Gentlemen of this Honourable Court, for your decision, assuring you that although I have most certainly been treated by these prisoners with the greatest ingratitude, and that my life has been seriously endangered, still I entertain no vindictive feeling whatever towards them; and I cannot help commiserating them from my heart, and therefore would not for an instant propose in any way to submit evidence which I conceive might be more severe upon them than the naked truth.”

The next witness was Lieutenant Bentley. His evidence confirmed that of the Colonel. The following part is interesting:—

“I went to the stable and succeeded in getting my horse; while I was in the stable two balls came into the stall close to where I was standing. On proceeding down the hill, close to the Guard House, I saw about forty or fifty men (mutineers) standing; they were scattered about. Seeing me they set up a shout, and believing I had no chance in retreating, I endeavoured to dash through them. I distinctly saw the prisoner (Donald Stewart). He approached me, but seeing he could not catch me he levelled his musket and fired at me. As he fired, I stooped on my horse’s neck to shelter myself as much as possible.”

Private Henry King, an African, testified to seeing the prisoner setting fire to the houses and to hearing him sing the African war-

song. This witness gave the words of the song which were as follows, as nearly as they can be rendered by the English alphabet:—

Dangkarree
 Au fey
 Oluu weree
 Au ley.

According to the interpreters, the first two lines were sung by the chief or leader of a band, the other two being the answer, or chorus, sung by his followers. They gave the meaning as—

Chief—Come to plunder, come to slay.

Chorus—We are ready to obey.

Two witnesses, a Creole named Romeo Lindor and a Private of the 1st West, swore to having seen Donald Stewart deliberately shoot Private Dixon, an old soldier of that Regiment, who was endeavouring to persuade the mutineers to submit, and that Dixon died as he fell.

At the close of the case the prisoner stated he had no defence and that he was sorry for what he had done. This was the statement made by the interpreters, but they themselves were very imperfectly acquainted with English, and the accuracy of their version may be questioned, as the attitude of the prisoner throughout did not betoken much repentance.

The trials of the other prisoners who were charged with similar crimes did not present any peculiar features of interest and need not therefore be detailed. According to the usages of Military Law the proceedings were sent to Barbados for the approval, or otherwise, of the Commander-in-Chief, and it was not until the arrival of H.M. Brig *Harpy* on the 14th of the following month, that it was known that Donald Stewart, Maurice Ogston and Edward Coffin were condemned to death, and William Satchell to transportation for life.

The sentence of death was carried out upon the three wretched men on Wednesday the 16th of August, and the scene was long remembered by those who witnessed it. A military execution is always a sad and solemn spectacle, but this one was attended by many circumstances which rendered it peculiarly impressive. On the very spot where just two months before, they and their misguided companions had plotted, and endeavoured to carry into effect, their

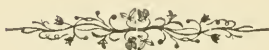
plans of mutiny and murder, the ringleaders were to expiate their crime, a crime rightly described by their Colonel as the most serious a soldier can commit.

The day is well suited to the occasion. It is one of those still, close mornings so common in the tropics during the rainy season when all nature seems hushed, and as it were expectant—a quiet not unfrequently the precursor of an earthquake. Dark and lowering clouds veil the hills of Caura and Maracas, and spread over the horizon to the South. From time to time the rays of the sun, penetrating through these thick screens beat fiercely down upon a scene of dread significance. In the centre of the plateau already described a silent mass of troops is drawn up so as to form three sides of a square. Facing to the West are the recruits of the 1st West India Regiment, many of whom took a more or less active part in the mutiny but have mercifully been suffered to escape punishment. On their right is a detachment of the 89th and on their left the old soldiers of the 1st West and a half Battery of Artillery. Immediately in advance of the recruits is drawn up a party of soldiers, recognised even by novices, as the firing party by whom in a few brief moments the last sentence of the law will be carried out. On the unoccupied side of the square are three mounds of freshly dug earth equi-distant from each other, each mound alongside of an open grave. Close on the stroke of 8, the already highly strung nerves of all, save perhaps a few war-hardened veterans, are startled by the sound of a muffled drum, and immediately afterwards are heard the mournful, thrilling strains of that saddest of all martial music, the Dead March in Saul. All eyes turn in the direction whence it proceeds, and although all know what they will see, still a shudder passes through the assembled crowd. Preceded by the Band, and with their coffins carried immediately in front of them, march the three condemned, Donald Stewart in the centre, towering a head and shoulders above his two companions. All three are dressed in their white grave clothes and the contrast with their black features is appalling. Alongside of them, in his canonicals, walks the venerable Chaplain to the Forces, who it is known has been in constant attendance on them since their condemnation, and who

repeats his exhortations as they near the fatal spot. The procession halts as it reaches the open graves and the condemned men are made to face the firing party. The Adjutant now reads out the finding of the Court Martial, the approval thereof by the Commander-in-Chief and the Warrant of His Excellency the Governor for the carrying out of the sentence. Once more the Chaplain takes up his Holy Office. The solemn words, "Man that is born of a woman hath but a short time to live," and, "in the midst of life we are in death," have a terrible significance under such circumstances, and now comes the last terrible moment. The Prevot Sergeant advances and draws down the white nightcaps over the eyes of the men about to die. By a sudden movement of his head Donald Stewart contrives to thrust back the cap and utters some angry words which those who can understand him interpret as expressing indignation at being blindfolded. His loud harsh tones are heard even above the words of command. The fatal word "Fire" at last rings out, and when the smoke clears away the three men are seen stretched dead beside their coffins. So ended the tragedy of the 16th of August, 1837.

It is impossible not to feel some sympathy with Daaga, for after all he was a deeply wronged man and it is evident that he could not have understood, still less have appreciated, the "kindness" of Colonel Bush. As for that officer, it is a matter of surprise that no record appears in the Trinidad papers of the censure which surely he must have incurred, which certainly by his own showing he richly deserved, for his culpable negligence, to call it nothing worse. It is difficult to conceive of an officer of thirty years service, who had entered the profession of arms in the midst of the great Napoleonic wars, and who therefore, even if he had not seen active warfare (and nothing appears as to this in the account of the mutiny) had lived the first years of his military life in an atmosphere redolent of it, that he could have been so devoid of ordinary prudence as to allow over two hundred savages, not a year in the Regiment, to live together in one set of barracks with free access to arms in the use of which they were daily being trained. His rambling speech to the Court Martial sufficiently indicates the nature of the

man, and it is impossible not to feel that to a very considerable extent on him rests the responsibility of the crimes of mutiny and murder which were expiated on the plateau of St. Joseph on that August morning sixty years ago.





CHAPTER XXII.

AFTER the momentary excitement caused by the Mutiny and its sinister termination, the Colony relapsed into its previous state of apathy and stagnation. Prices were low, prospects bad, and everyone was constantly in a chronic ill humour. During the year 1837 an unfortunate affair came to light which caused a considerable amount of annoyance to many persons, and certainly did not tend to improve either the credit or the prosperity of the Colony. For some time previous the office of Colonial Treasurer had been held by Major Ford, a retired Army Officer, who seems to have been an easy-going, careless man, of a convivial disposition and utterly ignorant of business. At the time he took over the office there was no Bank in Trinidad and the moneys of the Colony were deposited in a vault at the Treasury. From what transpired later it was ascertained that Major Ford was in the habit of allowing his friends among the Merchants to have the use of the surplus moneys in his hands for the requirements of their business to whatever extent they wished, and as due notice was always given previous to an examination of the chest, the moneys so lent were replaced in time. On one occasion, in 1836, this practice was nearly discovered. From some cause the usual notice was not given, and when the Committee of Inspection arrived, a considerable part of the money had not yet been replaced. Major Ford was however, equal to the occasion. Remembering that there were in the vault three boxes of small silver coin (3d. and 1½d pieces) sent out from England for the use of the Colony, he caused these to be opened and their contents turned out before the Committee. The total value of these small coins was £1,500, and whilst they were being counted in one room, bucketsful of doubloons were being hauled up through the windows of another, and deposited in the

vault where of course everything was found perfectly correct. So narrow an escape should have been taken as a warning, but on the contrary, the system of tampering with the cash was recommenced the next day, and Major Ford even went so far as to make use of the funds he had in his hands to purchase Slave Compensation Debentures on speculation for himself. Whether the scandal became so great that it was no longer possible to ignore it, or whether, as was said at the time, some personal enmity was at work, is now immaterial. A surprise visit, and this time a real one, was held and a very serious deficit discovered. Major Ford was suspended, and in accordance with the Law of that day was imprisoned as a debtor to the Crown. At the expiration of twelve months his sureties paid in £4,000 and he was released. The sum so paid did not cover the deficit, but there was no more to be had, and it was useless keeping Major Ford imprisoned. The confused state of the accounts of the Colony at this time may be seen from the attached official statement made by Mr. Ganteaume when acting Colonial Treasurer in 1838. (See Appendix).

It should be explained with regard to the Legacy Duty, which is shown in that return amongst the sums for which the Government was liable, and could not therefore deal with as Revenue, that by instructions from the Colonial Office, the proceeds of that tax were to be set aside for the purpose of building a Colonial Hospital, the want of which Institution was daily more and more felt. For one reason or another, this question of the Hospital had been evaded for years, and now it was found that the accumulations under the Legacy Duty had disappeared in the deficit of the late Treasurer. It was with the view probably of appeasing the public feeling upon this point, that towards the end of the year 1837 the following notice appeared in the Island papers :—

TO ARCHITECTS !

THE undersigned are authorized to offer the sum of Twenty-five Pounds sterling for an approved plan of a Hospital suitable to the wants of this Colony, with detailed Estimates of the expense of materials and

labour required to complete the same. The plan, with estimates to be furnished on or before the 15th of January next.

JOHN LOSH.

CHARLES WILLIAM WARNER.

B. PARKHURST.

Members of Committee.

Arrangements were shortly after made for the temporary establishment of a Colonial Hospital in Dr. Cadett's premises, in Cambridge Street, but another twenty years were to elapse before the present handsome building was to be opened

Mention has already been made that in 1804 Colonel Rutherford had called the attention of the Government to the very perilous state of the public Records,* and though little was done at that time, steps had been taken to remedy the evil in some degree under the Government of Sir Ralph Woodford. It seems, however, that much yet remained to be done, for at a Meeting of the Legislative Council held on the 12th of January, 1839, the Governor, Sir George Hill, called the attention of the Board to the state of the old Spanish Registry which he described as being a disgrace to the Colony. The damp, and vermin of various kinds, had quite destroyed some of the Records, and others were in parts illegible from the same causes. He further stated that he had desired the Registrar to make an estimate of the cost of having the Registry copied, and that it had been computed by that Officer that it could not be done for less than £3,000. The question he said was one entirely for the Council. The expense was undoubtedly great, but on the other hand it must be remembered that in this Registry were to be found the Titles to many of the estates in the Island. The Chief Justice strongly opposed the expenditure not only as excessive, which it undoubtedly was, but useless, which it certainly was not. He declared that the deeds to which the Governor referred were valueless, as the properties to which they related had already changed hands several times since they were first executed. He even went so far as

* Vol. I., Chap. XIV.

to say that even were they made he would not receive the copies as evidence in any case tried before him. In this view Mr. Jackson, the Solicitor-General, by no means coincided. He considered the price mentioned exorbitant, but thought the copy should be made. The Attorney-General, Mr. Rothery, a gentleman not long arrived from England, took the same view as the Chief Justice, and as the Governor did not press the matter it dropped for the moment and the work of destruction was allowed to proceed.

On the 11th of January, 1839, a very serious earthquake was felt in Martinique, immense damage both of a public and private nature being the result. Many lives were lost, and a still larger number of persons were more or less severely injured. When the news of this disaster reached Trinidad, great sympathy was felt for the sufferers and subscription lists were opened throughout the Island. A Memorial was also prepared to the Governor and Council, asking that a sum of money should be voted as a mark of sympathy on the part of the Government. This Memorial was laid before the Council at the Meeting of the 1st of February, when to the surprise of everyone it was opposed by the Governor, the Chief Justice, and Messrs. Burnley and Losh. They did not object to aid being given to the sufferers by the earthquake, but they saw no reason why the money of an English Colony should be spent to aid in re-erecting French public buildings. They did not consider the French King, Louis Philippe, and his Ministry to be so friendly towards England as to justify an expenditure of public money to assist them in any official manner and therefore they were for rejecting the Memorial. There was considerable friction just at that moment between England and France over the Syrian question, and in the former country there was profound distrust of the Citizen King and of his Minister, Thiers. The majority of the Council however, were favourably disposed towards the Memorial which was warmly supported by Mr. Jackson the Solicitor-General by whom it had been presented, and the vote for a Grant in aid was eventually carried by a majority of seven to two, the Governor not voting. It was decided that a sum equal to that raised by private subscription should be given by the Government.

Two weeks after this, the Attorney-General, who had been in weak

health for some time, died of fever at St. Ann's, the Governor's residence, where he had been taken in the hopes that the change of air might do him good, but although he rallied a little, it was but for a moment, and after only a few days illness he succumbed. Mr. Rothery, whose health was always delicate, had accepted the post of Attorney-General in the hopes that the climate of Trinidad might prove beneficial to him, but he very soon had to obtain leave of absence and resort to cooler climates for a while, and he had only just returned, as he believed with renewed health and strength, when he was struck down with what was to prove a fatal illness. During the few years that he had lived in Trinidad he had made himself a universal favourite, and his death, which occurred on the 14th of February, 1839, was generally regretted. At the next Meeting of the Legislative Council, which was on the 18th of the same month, Sir George Hill announced that he had appointed the Solicitor-General (Mr. Jackson) to act in Mr. Rothery's place pending the instructions of the Secretary of State, and that Mr. Charles William Warner would take Mr. Jackson's place as Solicitor-General. The last named had already acted in the same capacity, and had given proof of his ability, but this was the commencement of his long official connexion with the government of the Colony, which was to last for the next thirty years, during by far the greater part of which period he was to be its virtual ruler. In the History of Trinidad, from 1797 to 1840, there are but two prominent figures, Picton and Sir Ralph Woodford; all others are insignificant in comparison, but in that latter year another actor appears upon the stage who in a short time will monopolize the attention of the student of that History, so completely will he fill the canvas upon which it is portrayed. Governor will succeed Governor, and each will play his part more or less skilfully, but he, the real Governor, the Master Mind, will be there, like Warwick, or Wolsey or Richelieu, nominally the adviser, really the ruler. For five and twenty years he held absolute sway, and the use to which he put his power will be seen as this History developes itself, but in the meantime some slight mention must be made of the antecedents of one who played so important a part, and who, from that very fact incurred both unlimited

praise and equally unlimited blame, neither of which were entirely merited, though, all things and circumstances considered, the former was more deserved than the latter.

Charles William Warner was the eldest son of Colonel Edward Warner, formerly of the 26th Regiment, "The Cameronians," the owner of "Woodford Dale" estate, Savana Grande, and a lineal descendant of Sir Thomas Warner, who in the year 1626 had founded the British Settlement in St. Kitts mentioned in the First Volume of this History.* In 1806, Colonel, then Major, Warner and his family left Dominica for Trinidad, and the future Attorney-General was born at sea off St. Vincent. He was educated at Eton and returned to Trinidad in 1829. After practising for some years as a licensed Advocate under the then existing law he went to England and was called to the Bar, and then returned to Trinidad.

Only a few weeks after announcing to the Council the death of the Attorney-General, Sir George Hill followed him to the grave. On the 4th of March he complained of indisposition, and at a little after 6 a.m. of the following Friday, the 8th, he breathed his last. The immediate cause of death was stated as fever, but old age and debility had probably quite as much to do with it. Although he was 77 years old at the time of his death, he retained all his faculties clear and unclouded to almost the last moment.

The following tribute was paid to his memory by the *Port-of-Spain Gazette*, and it is the more likely to be genuine as that paper had criticised his acts and opposed his policy for some years previous to his death :—

"It is rather a remarkable circumstance that Sir George Hill is the only Governor of the Island who has died in Trinidad since it became a British Possession. . It is his fate to rest in the Island, the interests and welfare of which, we sincerely believe were dear to his heart, and governed the whole of his conduct. We never doubted the purity of his intentions, the integrity of his purpose, although we may have occasionally considered some of his views questionable, or when meriting all praise, that they were not carried out with sufficient energy and promptitude ; but on the whole, considering the difficulties he had to contend against, his administration of the Government was, we hesitate not to

* Chapter II.

say, a successful one—more, it was an impartial and an honest one. He did, we honestly believe as much for the Island as circumstances enabled him to do, and we have no doubt would have done more for it, if he had had the power, or if he had not been thwarted in quarters to which it is not necessary to do more than allude at present. He did much positive good for the Colony, but it would be unfair to judge his character as Governor of this Island, in trying times, by the benefits which he was able to confer upon it. No, his character should be, and will be, judged by its negative merits: we can all appreciate the good that he has done, but we have no means of estimating the amount of evil which his upright and independent conduct prevented. He has left the Government too in a very different state from that in which he found it on his arrival here in April, 1833. His task was then a difficult and a trying one, for he found the community full of confusion and ill-feeling produced by the imbecility of his predecessor, Sir Lewis Grant.

* * * * *

He had failings certainly, for who is free from them? but they were few, and his temper, which was hasty at times, was the chief of them. Age, however is irritable, but his irritation was short-lived as possible, while his general good demeanour—his natural kindness of disposition—were admitted on all sides. He could not himself harbour resentment beyond a moment, even when justly provoked, and knew not what it was to bear enmity in his breast for anyone. Hospitable, easy of access—so easy indeed as to have become a fault in the eyes of the fastidious,—he had secured a large share of public veneration and esteem. It has been the fate of few Governors to have made so many and such attached friends. We may in truth say, that there is not an individual in the Island, whose opinion is worth having, that did not yield it freely to Sir George Hill. Full of anecdotes of the most extraordinary men and times in the history of our country, with which a long life had made him intimately acquainted, he could, when so disposed, which was often, make his company and conversation very fascinating.”

The same paper gave an account of his funeral, which also shows the personal popularity of the late Governor.

“We never witnessed in this Island such an assemblage, whether in point of number or respectability as that which uninvited—(for there were no cards issued except to Public Officers)—and unsolicited, met together at St. Ann’s to pay the last tribute of respect to the remains of our late Governor, Sir George Fitzgerald Hill. We may say without exaggeration, that all the worth and respectability of the town were there, by a simultaneous movement, under one generous and general impulse to mark their respect for him, upon whose lifeless form the tomb was about to be closed for ever. The sight of the immense concourse of people and their general bearing—the regret so generally evinced by them—would have convinced us, if we required to be con-

vinced, that our late Governor was far more popular and more venerated than he was supposed to be, while living.

The procession began to move at half-past five o'clock, when the first Minute-gun was heard from the Sea Fort. The Pall was supported by the Members of the Council of Government. There was only one of the Judges present, His Honour Mr. Fuller; Judge Gomez, we hear was unwell, and the Chief Judge, Mr. Scotland was ———. A Guard of Honour from the 74th Regiment, with the Band, was stationed outside and paid the usual honours as the coffin was carried past. Colonel Mein of the 74th, and many of the Officers of the Regiment were also in attendance, as were the Bishop of Olympus, with his Clergy. The youths of St. George's College we also observed, headed by the Abbé Bertin. The Guard with arms reversed, received the procession again close to the grave. The solemn service for the dead was then read by the Revs. Cummins and Jackson, of the Established Church of England. The body was deposited in the grave beside that of the late lamented Lady Hill in the very spot selected at the time of her decease, by him who has now become its tenant, as the one in which, when his hour should come, he wished his remains to be buried. That desire has been fully gratified: 'in their death they are not divided.'"

From the blank left after the name of the Chief Justice in the above account, it may be inferred that there had been some coolness between himself and the late Governor, and this seems the more likely from the fact that he attended the next day at his place in Council, for the purpose of swearing in Colonel Mein as Administrator of the Colony.

At the next regular Meeting of the Council which took place on the 1st of April, Mr. Burnley brought forward a most important matter. The existing Immigration Ordinance practically reduced the field from which labourers could be introduced into the Colony, to the British West Indies, as it only allowed the emigration of persons who were enured to work in a tropical climate. This had not only rendered the law abortive but had provoked ill-feeling as the other Islands wanted their labourers for themselves. He therefore proposed to amend the Law to admit of immigration from Malta, and from Sierra Leone, and of free negroes from the Southern States of America. In connection with the latter, he stated that he was acquainted with some slave-owners in those States who were willing to emancipate their slaves, if they could be sure of locating them where they would have good and fair treatment. Mr. Losh seconded

Mr. Burnley's motion which was also supported by the acting Solicitor-General (Mr. C. W. Warner), and carried. A few days later a numerous Public Meeting was held in Port-of-Spain to take into consideration the necessity of encouraging immigration, and with that view for forming an Immigration and Agricultural Society. Mr. James Lamont was called to the Chair, and, after he had briefly stated the objects of the Meeting, called upon Mr. Burnley to move the first Resolution. In doing so Mr. Burnley said :

"They were face to face with great difficulties, which he could not better express than by stating that as matters stood, the former slave was now the master, and he who was once the master was now the slave ; in other words they were more dependent upon the labourer for his services than the labourer upon them for employment. The latter consequently worked how he pleased, when he pleased, and at what wages he pleased ; if this state of things were not speedily remedied, all would be involved, black and white, in one common ruin, though surrounded by the elements of superabundant prosperity."

He went on to say that the power of compelling the existing population having been removed, it was clear that—

"Either the population must be increased to the extent of the cultivation, and the fixed capital ; or the two latter reduced to the standard of the population, before the machine could again work harmoniously together."

After briefly referring to the indifference shown to the Colonies by the Mother Country, and pointing out that the existing Immigration Law was defective inasmuch as it practically restricted the recruiting ground for labourers to the British Colonies, Mr. Burnley went on to suggest the advisability of endeavouring to procure them from other countries. He then continued in the following words :—

"I will now entreat your attention to a most important subject. Never allow yourselves to countenance anything like vexatious legislation as applied to the labouring class. This is suggested to me by observing that in some Colonies a License is now required for the use of firearms. In a densely peopled Colony such a law might be required for the protection of the community, but in Trinidad it is unnecessary. There is ample space and room enough to kill game of all descriptions without danger to the inhabitants ; it would act only as a restriction upon the amusements of the labouring class, and of course be considered by them as vexatious. The same with licenses for dances and entertainments. Some gentlemen thought perhaps that that class required to be

protected from the effects of their own dissipation—I have no such Tory feelings of humanity. I believe the labouring classes perfectly able to take care of themselves. There is also another subject on which some gentlemen, I am afraid, may be at first disposed to differ from me—I allude to the acquisition of lands by that class. At the present moment no doubt we cannot afford to lose a single individual labouring for wages, but it is always bad policy to legislate for the moment, and particularly as I trust our present difficulties will ere long be removed. I will set my face most strenuously against their fraudulent occupation of the Crown lands, or of any land which does not belong to them; but the acquisition of land in fair purchase by the most saving among them would be an ultimate boon to the Colony—advantages resulting from which I cannot stay to enumerate now. All that I wish to impress upon you at present is, not to attempt to throw any obstacles in the way of that which God and Nature seem to have intended—namely, to render the Island of Trinidad a little terrestrial Paradise for the African race. When that conviction shall be firmly established in the minds of Africans scattered abroad, I will not exchange an estate in Trinidad for any three in another Colony; and as to the admission of slave-grown sugar into the British Market, if it cannot, with a happy and numerous population, beat the slave-owner out of the European Market, I have formed a false and mistaken idea of the fertility of the soil of Trinidad.”

Other persons spoke to the same effect, but Mr. Burnley’s words are quoted because they were uttered by a man of great experience who had always shown the greatest interest in the affairs of the Colony. Had his advice been followed then, and on many other occasions, it would have been better for Trinidad.

The Resolutions were all carried and a Committee was formed to arrange for the formation of the Society, Mr. Burnley being elected Chairman.

A question came before the Council at its next Meeting (May 1), which had been often mentioned before, but with regard to which no steps had been taken. After the disastrous fire of 1808, nothing had been done to enforce the law with regard to buildings in the town of Port-of-Spain, and previous to the arrival of Sir Ralph Woodford very many buildings had been erected which were clearly in contravention of the Proclamation of Picton which was the only law upon the subject. So long as Sir Ralph Woodford was alive there were few, if any infractions of that Proclamation, but after his death, and under the lax Governments of his immediate successors, every one built as he chose, and although one or two attempts had

been made to enforce the law they had been unsuccessful. At last an adverse decision of the Court, declaring the Proclamation of Picton to have no legal force, rendered the Authorities powerless, and the result is seen to the present day in the hideous structures that are at once a disgrace and a danger to the town. At the Meeting above mentioned the Colonial Secretary drew attention to this state of things and suggested that the Law Officers of the Crown should prepare an Ordinance to remedy it. The Attorney-General said he was quite ready to draft the Ordinance but was not willing to go as far as the Proclamation of Picton which forbade the erection of any wooden building at all. That, he said would be a "hardship quite inconsistent with the existing mode of Government and would operate very harshly against the lower orders." There were other reasons which probably he did not care to mention. The new system of Government was beginning to operate, and the oligarchy it had created was feeling its power. The Members of Council were mostly owners of, or interested in house property in the town, and although doubtless they would have shown themselves self-denying enough in larger matters they did not scruple to protect themselves in this instance, and no decision was arrived at.

At this time a very considerable amount of excitement was caused by an intimation that the Home Government, as if preparing the way for further changes, had decided that for the future, Trinidad was to be placed under a Lieutenant Governor, subject to the control of the Governor-General of Barbados. The feeling this aroused may be estimated by the following extracts from the *Port-of-Spain Gazette* of the 21st of May, 1839:—

"The Petition to Her Majesty the Queen, expressive of the feelings of "disappointment and regret" with which the inhabitants of this Island have learnt that Her Majesty has placed "the Government of this Colony in the hands of a Lieutenant Governor, subject to the control of the Governor-General of the Windward Islands" will be found in our paper to-day. It is a spirit-stirring document, full of truth and unanswerable arguments; and cold indeed must be the heart of any native or resident of Trinidad—dead to all the finer feelings which spring from and are associated with the land of his birth or his adoption, must that man be, who does not wish that Petition success, and pray that Her Majesty may be induced to alter that new arrangement, the real and true

effect of which is nothing more or less than to make Trinidad a Colony of Barbados—a dependency of a dependency—governed, or rather, not governed, by a Deputy's Deputy ; a sort of Agent of a higher power in another Island, unworthy of the name of Lieutenant Governor or any other name that implies independent action or free will, responsibility, respect, or confidence ; a mere shadow of a shade for all useful and necessary purposes. What is our nominal Lieutenant Governor to be, in fact, but a recognized channel for the conveyance of correspondence between this Island and Barbados, which might just as well be performed by the Colonial Secretary, if economy were the real object of this measure. But economy is not its real object—if it were, there are other sources of expense that might be dammed up—the Puisne Judges for instance—and the damming up of which would effect a greater saving to the Colony than that arising from the diminished salary of him who is still to be called “ Lieutenant Governor ” of Trinidad, while it would remove a grievance, an intolerable and extravagant nuisance, from before the eyes of all reflecting men.

Truly and forcibly does the Petition say, that the system of governing us from Barbados “ will diminish the revenue, dignity, and authority ” of him who is called, we think, somewhat inconsiderately, Her Majesty's “ immediate Representative ” in this Island ; “ impair the respect due to Her Majesty's Crown, and lower the relative dignity and importance of this Colony.” A constable we think, has as good a title to be called an immediate Representative of Her Majesty as the gentleman dignified with the name of “ Lieutenant Governor of Trinidad,” but dependent on, and moved by springs from Barbados—wound up in fact by each succeeding Packet, like an eight-day clock, but if the winding should be neglected or adjourned to a more leisure hour, utterly powerless to direct, to suggest, to do anything but come to a dead stop, till the impulsive power arrive from the Mother Country—alas ! no longer England, but Barbados !

Economy indeed ! This Colony however much in need of it in other quarters has never asked, never prayed for, such spurious economy as this measure is meant to afford us. The economy that it looks for, it is denied—that which it scorns and despises is forced upon it. No complaint has ever been made that the salary of the Governor was exorbitant or his authority too great—yet both are reduced, and the latter degraded, without consulting the wishes of those, the Colonists, principally, if not exclusively interested, while useless places, sinecure salaries, and “ retired allowances ” are maintained and increased in defiance of common sense and common honesty.”

The Petition thus referred to, was very numerously signed by all classes of the community, and the excitement connected with it was by no means diminished by what occurred a few days later. On the 23rd of the same month, Sir Evan MacGregor, the Governor-General of Barbados, arrived in the Colony. The Council was

specially summoned for the purpose of receiving him and being present when he took the oaths as Governor-General of Trinidad. He was received in due form by the Council, a Guard of Honour of the 74th Regiment being in attendance. His Instructions and Commission were read by the Clerk and the oaths administered by the Chief Justice. The Members of Council were then sworn singly, and all took the oaths with the exception of Mr. Darracott who refused to be sworn. Sir Evan McGregor at once suspended him and named Dr. Philip in his place. The Governor-General then addressed the Board and took occasion to allude in high terms of eulogy to the memory of Sir Ralph Woodford. The day before this flying visit of the Governor-General who re-embarked the same evening for Barbados, there had been a Meeting of Council at which a glimpse was afforded of the new policy which was about to be adopted in Church questions.

The Governor laid before the Board an application from the Rev. Mr. Cummins asking for aid for three schools in connection with the Church of England. Some discussion took place, in the course of which the Acting Solicitor-General spoke of the necessity for dealing fairly in this matter of aid to schools, as if aid were given to one Religious Body, the others would claim the same and were fully entitled to do so. For his own part he expressed himself in favour of a broad and comprehensive system of Education quite irrespective of the religious beliefs of the children. The Colonial Secretary, Mr. Turnbull, said he was surprised to hear the Acting Solicitor-General speak as he did. As a Protestant, he should support the religion he professed in preference to any other; a good deal had been said of a general system or principle on which education should be given, but let them support the one of the Church to which they belonged; let them give all monies for education to the Clergy of the Established Church who were well known. . . . As Members of Council they were bound to support the Church of England in preference to any other, and he should vote in favour of the request and as long as he lived he would support that Church in preference to any other. Mr. Roxburgh agreed with the Colonial Secretary. He considered the Council was

bound to support the Church of England more than any other, as it was the religion of the Government to which they belonged. The Acting Solicitor-General did not agree with the view of the Colonial Secretary and Mr. Roxburgh that the Board was bound to support the Schools of the Established Church in preference to any other, and as an amendment moved that no grant of Public Money should be made for the purposes of education, unless that education be conducted on principles which would admit Christians of all denominations without reference to their peculiar religious tenets. This Resolution was not seconded, and the aid asked for by Mr. Cummins was granted.

The bigoted utterances of Mr. Turnbull and Mr. Roxburgh on this occasion were severely criticised in the *Port-of-Spain Gazette* and met with but little general sympathy. The time had not yet arrived, although it was not far distant, when a man's loyalty was to be gauged by his Religion, and a Roman Catholic was not yet considered a foreigner and his religion that of an alien Church.*

* What rendered more unjustifiable the line of argument used by Mr. Turnbull and Mr. Roxburgh on this occasion was the vast disproportion then existing between the Churches at that time which is clearly demonstrated by the following figures taken from a published Report.

"Amount voted on Estimates of 1839 for the support of the Clergy of the Church of England and the Roman Catholic Church—£4,302." Thus appropriated:—

CHURCH OF ENGLAND.

Rector of Port-of-Spain	...	...	£ 600
Curate " "	...	...	250
Minister Carapichaima	...	...	250
" Tacarigua	...	...	250 = £1,350

THE ROMAN CATHOLIC CHURCH.

The Bishop and Vicar Apostolic, Port-of-Spain	..	£1,000	
Curate Port-of-Spain	...	140	
Assistant Curate	...	130	
" "	...	130	
Sacristan Mayor	...	130	
Curate of San Juan	...		} each £ 142
" " St. Joseph	...		
" " Arima	...		
" " Naparima	...		
" " Siparia	...		
" " Savana Grande	...		
" " Erin	...		
" " Couva	...		
" " Carenage	...		
" " Toco	...		
			= £2,950
Total	...		£4,302

The Address of Sir Evan MacGregor to the Council, of which mention has already been made, had been ordered to be entered on the Minutes of the Board, and at the next meeting (June 1st) the Colonial Secretary moved the nomination of a Committee to frame a reply. The Acting Solicitor-General (Mr. C. W. Warner) was named, but begged to be excused from serving, as although he had the highest esteem for Sir Evan MacGregor he did not approve of the measure which made Trinidad a dependency of Barbados, and he could not conscientiously prepare such an Address. He was accordingly excused, and the Committee was finally composed of the Chief Justice, the Colonial Secretary and Mr. Losh. When the Address came before the Board for final adoption Mr. Warner, by a judicious amendment contrived to divest it of the slightest colouring of approbation of the measure which had rendered it necessary, for he persuaded the Board to insert, after a few sentences of ordinary civility, the following words :—

“ We feel that this is not a proper occasion on which to offer any opinion as to the policy or expediency of the alteration which has been adopted in the Government of this Island. We cannot but however express our confident belief that the arrangement could not have been entrusted to more able hands than those of Your Excellency, or to any person whose talents and character would so much recommend it to the inhabitants of the Colony.”

The anniversary of the Declaration of absolute and complete Freedom was now drawing near, and the alarmists, who unfortunately have always been numerous in Trinidad, were predicting that it would be made an occasion of disorder and possibly of lawless violence. Colonel Mein had the good sense not to be influenced by this and though fully prepared for any eventuality, did nothing calculated to encourage the belief that he anticipated any trouble whatever. In many works professing to give authentic narratives of the condition of the West Indies immediately after Emancipation, statements are made which show the recently freed slaves in a most unfavourable light, but the following Article which appeared on the 2nd August in the *Port-of-Spain Gazette*, which it must be

remembered was by no means an Anti-Slavery Organ, proves that in Trinidad at all events there was no cause for alarm :—

“The first year of absolute freedom, of civil equality in the eyes of the law for all classes of the population has just passed away—the great measure of Emancipation has had a year’s trial, and whatever may have been its results elsewhere, truth compels us to state that Trinidad has less reason to complain of the working of the new system of free labour than many of the neighbouring colonies. This we say advisedly and without any hesitation. The natural fertility of our soil, and the very favourable weather for manufacturing Sugar during the whole of the last crop, partly account for this; but much of it, no doubt, is to be attributed to the improved and improving habits of the labouring population. The general result is extremely gratifying to all to whom the interests of the colony are of any consideration. Occasional complaints there have been no doubt of the conduct of the labourers—of their unsteadiness—their disregard of engagements—their roving habits—their propensity to intoxication—and these complaints were well merited, it cannot be denied, in many instances—but after all, looking at the result as exemplified in the comparative statement of the exports for the last seven years which we annex^d, looking too at the present situation of things—good prices for our staple articles of produce, and an increasing immigration—looking at these, we think that the condition of the Island and its future prospects may be contemplated without fear or dismay. Contrasted with other Colonies, there is room rather for congratulation and satisfaction. We look forward too, with some confidence, to more settled habits on the part of the labourers, for as they advance in the paths of civilization, the more will they become acquainted with their duties and obligations, and be sensible that it is by sober and steady habits alone that they can improve their condition and render themselves comfortable if not independent. The great truth that it is by labour alone—con-

* The following is the Statement referred to :—

*Return of Produce shipped from the 1st January to 31st July,
from 1833 to 1839.*

		SUGAR.			MOLASSES.		RUM.	COCOA.	COFFEE.	COTTON.	INDIGO.
		Hhds.	Tres.	Brls.	Puns.	Tres.	Puns.	lbs.	lbs.	lbs. ser.	seroons
July 31, 1833	...	22,066	483	4,030	9,606	571	3	2,505,071	329,660	46 581	14
„ 1834	...	22,658	934	4,546	10,587	572	55	2,287,300	152,645	26 469	0
„ 1835	...	20,532	955	4,093	9,187	761	115	1,688,038	74,305	80 213	59
„ 1836	...	22,370	1,177	4,413	9,385	780	58	2,339,119	169,429	21 149	0
„ 1837	...	20,890	923	3,274	8,317	650	11	2,136,865	132,445	27 995	0
„ 1838	...	19,189	1,156	2,251	7,521	595	130	2,212,486	357,189	35 1791	4
„ 1839	...	16,330	970	2,967	6,240	391	80	1,987,733	198,112	0 1145	0

tinuous and unremitting labour—that the great majority of mankind obtain the means of subsistence, will surely, though perhaps slowly, make itself felt by the most dissipated and improvident amongst them. The old notion that freedom meant merely a cessation from labour, generally maintained as we believe it was by those upon whom the first year of freedom has just closed, is, we have heard, obliterated from their minds for ever. They will soon learn too, if they have not learnt it already, that as “the rolling stone gathers no moss” so it is those who remain steadily located on the estates of their former masters—those who do not wander and rove about, without aim or object, from one estate to another—that can save something from their earnings as a resource for old age or illness. Common sense will teach them these and other useful lessons in a short time; and so strong is our reliance on their capacity to choose the good and reject the evil, or in other words, their disposition to prefer honest industry to profligate and culpable idleness, that we look forward with less anxiety, or rather with more hope, to the coming year and to the future, than we did to that of which yesterday was the first anniversary.

The employers too, we should hope, have not been idle spectators of the progress of events during the period we have named; have not been heedless witnesses of the causes that may have retarded or assisted their manufacturing operations. Their conduct so far as we are acquainted with it, has been generally entitled to great praise, for it required no ordinary discretion to descend becomingly from superiority to equality—the superiority of the free man to the slave, or, what is little better to the apprentice. The task was no doubt a difficult one, but it has been, notwithstanding, well and gracefully performed in almost every instance. Some of them no doubt required to be taught that free men should be treated in a different manner from slaves, and they have, we hope, learnt that necessary lesson during the last year and benefitted by it. All men are won by kindness and conciliation, and it is by kindness and conciliation—by forbearance, and above all by fair-play—that the newly enfranchised can be made to put forth all their energies and industry. The great majority of the labourers are well disposed and industrious, and these we think should be encouraged by every means within the power of the proprietors. One of these means would be found in the simple plan of renting to them their houses and grounds at a fair valuation. This would ensure from them more regular attention to their duties and would moreover act as a check on the dissolute and idle vagabonds who, to the great annoyance of the peaceable and honest, infest almost every estate in the Colony.”

These sanguine views were not realized to the extent the writer hoped would be the case, but the tone of the article shows clearly that at the time it was written there was great reason to expect that with proper management and forbearance the labouring classes might have been induced to work as free men for reasonable wages,

where they had hitherto toiled as slaves under compulsion. That this result was not attained, was due to many causes, amongst which it cannot be denied that the disinclination to work, except from some powerful incentive, common to all men—no matter their complexion—was one, but to attribute to the black race all the troubles and misfortunes that befell the West Indian planters in the years immediately following emancipation, is utterly unjustifiable and contrary to facts. It may be said that there is nothing to be gained by re-opening this question now, and that the evil having occurred, and, to a certain extent having been remedied, it does not now much matter upon whose shoulders the blame or responsibility for it rests. There are two answers to this argument. In the first place, it is not right that an unmerited stigma should be allowed to remain upon a whole class, and secondly, in Trinidad, even to-day, it is a favourite argument of those who advocate the continuance of the existing system of indentured labour imported from the East, that the negro labourer cannot be depended upon. Granting this, for the sake of argument only, but not admitting it to be true, it is only right to ascertain if nothing beyond the perverse nature which is attributed to him, has brought about this result. Two years before complete emancipation, and whilst the unwise experiment of “Apprenticeship” was being carried on, the following Circular Despatch was addressed to the Governors of the Colonies:—

DOWNING STREET,
30th January, 1836.

SIR,

The accounts which I have received from time to time of the conduct and industry of the apprentices appear to prove that cultivation may be possibly carried on in the West Indies as long as the apprenticeship lasts, and afford much encouragement to hope that full and complete emancipation will be attended with beneficial results both to the employers and the labouring population. Some precautionary measures, however, seem to be required in order to guard against that degree of danger to the value of property, or the more permanent interests of society, which can scarcely fail to attach to so great and important a transition.

It must not be forgotten that the conditions under which society has hitherto existed will, on the expiration of the apprenticeship, undergo an essential change. During slavery, labour could be compelled to go wherever it promised most profit to the employer; under the new

system it will find its way wherever it promises most profit to the labourer. If, therefore, we are to keep up the cultivation of the staple productions, we must make it the immediate and apparent interest of the negro population to employ their labour in raising them.

There is reason to apprehend that at the termination of the apprenticeship this will not be the case. Where there is land enough to yield an abundant subsistence to the whole population in return for slight labour, they will probably have no sufficient inducement to prefer the more toilsome existence of a regular labourer, whatsoever may be its remote advantages, or even its immediate gains. Should things be left to their natural course, labour would not be attracted to the cultivation of exportable produce, until population began to press upon the means of subsistence, and the land failed (without a more assiduous and economical culture) to supply all its occupants with the necessaries of life. As soon as a natural labouring population should thus arise, and the growing necessity of making the most of the land should ensure the proper application of their labour, it might be expected that the present staples would again be brought into cultivation. But the depreciation which would take place in property, and the rude state into which society would fall back in the meantime, make it desirable to adopt measures to check this apparently natural course.

How far it may be possible to check it effectually, it is not easy to determine. But by diminishing the facilities for obtaining land, it may certainly be impeded. It is true that where so much unoccupied land belongs to private persons, it is difficult to make any arrangement which will ensure the proper distribution of it; nor am I prepared at present to recommend any definite measure for that purpose, which may be free from inconvenience. But it is of great importance in the meantime that the evil should not be aggravated by the inconsiderate neglect, or incautious distribution of those lands which are at the disposal of the Crown.

In order to prevent this, it will be necessary to prevent the occupation of any Crown lands by persons not possessing a proprietary title to them; and to fix such a price upon all Crown lands as may place them out of the reach of persons without capital. The specific regulations by which this may be best effected will probably vary with the local circumstances of each Colony. It is my present object to explain to you the nature and grounds of the measure, that you may be enabled to examine those circumstances in their true bearing upon the question, and to arrange the details accordingly.

It would appear that a country is, then, in its most prosperous state when there is as much labour in the market as can be profitably employed. In new countries, where the whole unoccupied territory belongs to the Crown, and settlers are continually flowing in, it is possible, by fixing the price of fresh land so high as to place it above the reach of the poorest class of settlers, to keep the labour market in its most prosperous state from the beginning. This precaution, by ensuring a supply of labourers at the same time that it increases the value of the

land, makes it more profitable to cultivate old land well, than to purchase new. The natural tendency of the population to spread over the surface of the country, each man settling where he may, or roving from place to place in pursuit of virgin soil, is thus impeded. The territory expanding only with the pressure of population, is commensurate with the actual wants of the entire community. Society being thus kept together is more open to civilizing influences, more directly under the control of Government, more full of the activity which is inspired by common wants, and the strength which is derived from the division of labour, and altogether is in a sounder state, morally, politically and economically, than if left to pursue its natural course.

This policy has of late years been pursued with very good results in our North American and Australian Colonies: and there is no doubt that it may be applied with advantage in the West Indies also. It cannot indeed be expected to be either so simple or so effectual in its operation, owing to the existing relations of West Indian Society, contracted under a different system; to the alternately neglected and exhausted state in which the long operation of an opposite policy has left the already appropriated territory; to the unnatural condition of the labouring population; and to the artificial channels in which productive industry has hitherto been confined. It is probable that the particular regulations which have been found to answer in the possessions alluded to may not be applicable to so different a state of things. Of this, however, within the limits of your government you are the most competent judge. I have therefore, to request that you will take the matter into your earliest consideration, and then submit to me, in detail, the arrangements which you may recommend as best calculated to carry the views of His Majesty's Government into effect in the Colony under your care.

One general regulation, however, I am prepared immediately to enforce—that in future no Crown land shall be disposed of to private individuals otherwise than by public sale, a minimum price being fixed, but this price not to be accepted until, upon proper notice, it shall appear that no one is prepared to offer more; ten per cent. upon the whole purchase money to be paid down at the time of sale, and the remainder at an early period after the sale, and previously to possession being granted.

The rules to be observed in surveying and portioning out the land, the number of acres which should make up a lot, and the amount of the minimum price, it will be for you to suggest. It is not impossible that different parts of the colony under your charge may require different sets of regulations, according to the quality or produce of the soil, the vicinity of towns or rivers, the advancement of the population in the refinements of civilized life, and its greater or less density. On these points I can offer you no other guide than a reference to the object which the proposed measure is intended to effect. That object is not to force the cultivation of the present staples by depriving the negroes of every other resource for subsistence; but merely to condense and keep together the population in such a manner that it may always contain a due proportion of labourers. When that is the case the most profitable produce

will always afford the highest wages, and the highest wages will always draw the largest supply of labour. To discourage the extension of cultivation, or to confine it to any particular field, is by no means desirable. But some security should, if possible, be taken, that all the territory which is cultivated at all shall be cultivated well. The minimum price of land therefore, should be high enough to leave a considerable portion of the population unable to buy it until they have saved some capital out of the wages of their industry; and at the same time low enough to encourage such savings by making the possession of land a reasonable object of ambition to all. I have already intimated that the large tracts of unimproved and unoccupied land which belong to private persons, though they will interfere with the efficacy of the measure, do not diminish its necessity. I am, therefore, unwilling to encumber the subject with a reference to matters which may be reserved for separate consideration. Many of those persons must however be deeply interested in the success of the policy which I have pointed out, and may probably be induced to enter into the views of the Government, and to make such cessions or adopt such regulations as may be of advantage to all parties. In pursuing your inquiries on the immediate subject of this despatch, you will naturally be drawn into communication with them; and you will not fail to recommend any practicable arrangements by which you think the speedy and effectual operation of the measures may be promoted.

In many cases serious difficulties will occur in securing unsold lands for the future from the intrusion of usurpers and squatters. You will not omit to notice the nature and extent of those difficulties in the colony under your care, and the measures by which they may be most conveniently overcome.

I have further to request that your communications on this subject may be accompanied by the best information which you can obtain as to the extent and value of the Crown lands under your Government, and the proportion of them which is already occupied by persons without legal title.

I have the honour to be,

Sir,

Your most obedient Servant,

GLENELG.

From this Despatch it is evident that the Home Government felt that some difficulties were to be expected in the near future, and desired to cope with them. Unfortunately nothing was directed to be done—all was left to the initiative of each Governor. In the case of Trinidad it was left to Sir George Hill, who did nothing. He did not even supply the information asked for, still less offer any suggestions.

One attempt, and one only, was made to carry out the suggestions for the preventing of squatting. This was an Order in Council of the 6th of October, 1838, which was enacted for the purpose of punishing that offence, but unfortunately, though excellent in other respects it contained a clause limiting the authority of the magistrate to cases where the squatter had not been in possession for one year. This was fair enough in the case of squatters on private property, but did not work well in the case where the alleged offence was committed on Crown lands. A custom had existed for years with the Commandants of Quarters, to give written permits to free persons to occupy portions of Crown land. These permits, informally drawn up, never gave the limits of the occupancy with any precision, and the holders considered themselves at liberty to select any part of the Crown lands they chose, and it was no uncommon thing for them, after clearing one patch of its valuable timber, to move off and repeat the process on another. No survey was made of these occupancies unless, as sometimes happened, the occupier applied for a formal Grant, and no Register was kept of these permits. It was therefore impossible for the Magistrate to ascertain with any certainty who were authorized squatters, so to speak, and who were not, and if they had been in undisturbed possession, even unauthorized, and for over a year, he had no jurisdiction. An action of ejectment could of course have been brought in the Supreme Court but apart from the dilatory nature of such a suit, that course would have been objectionable in many ways. The Order in Council in consequence, became a dead letter and squatting continued and increased. This was a serious evil. In a certain sense the squatters were living in defiance of the law, and yet they were leading industrious lives and forming fine estates. In many cases the Government received land taxes from them, and they contributed in many ways to the prosperity of the Colony. In spite of this it was made a reproach to them that "they would not work"—"that they were squatters." It was not until thirty years later, that an enlightened Governor who had the courage of his opinions and believed that the first duty of a Governor is to govern, swept away the difficulty, by legalizing their possession of the lands they had cleared and cultivated. If for that one act

alone, Lord Stanmore's Government of Trinidad will be for ever memorable.

Trinidad was placed at a great disadvantage by the fact that at the critical moment of transition alluded to in the Despatch of Lord Glenelg, the Government of the Colony was in the hands of an old and irresolute man like Sir George Hill. Uncertain what course to pursue, and alarmed at the responsibility thrown upon him by the Colonial Office, he contented himself by introducing an Immigration Ordinance, which as the speeches made by Mr. Burnley both in Council and at the Public meeting show was practically useless, as the Home Government imposed certain restrictions which rendered it unworkable. It must also be remembered that enormous difficulties were thrown in the way of the West Indian planters by the Anti-Slavery Society. It was asserted, and many persons believed the assertion, that the planters were determined to re-introduce slavery, and when it was known that there was a scheme for bringing free labourers from Africa, a storm of indignation was raised and all the lecturings and preachings began over again. So far as Trinidad was concerned, the result of this outcry may be judged from the following extract from a Despatch laid before the Council on the 12th of August, 1839 :—

COLONIAL OFFICE,
June 29th, 1839.

SIR,

I have received Colonel Mein's Despatch transmitting an Ordinance for the encouragement of Immigration. . . .

Her Majesty will be advised to pass an Order in Council approving and confirming this Ordinance with the exception of so much of the 13th Clause, as respects the computation of voyages from the coast of Africa and of places eastward of the Cape of Good Hope ; and the Order in Council will further expressly prohibit the introduction of immigrants from any part of the coast of Africa.

Her Majesty's Government have always been of opinion that any such conveyance of negroes from the coast of Africa would give rise to the suspicion at least of Slave-trading under that pretext, and the discussion which took place in Parliament in the Session of 1838, have thrown so much difficulty in the way of emigration from the East Indies, that Her Majesty's Government are not prepared at present to sanction it.

I have, &c.,

NORMANBY.

Had Trinidad been governed at the time when Lord Glenelg's Despatch was written, by men of the stamp of Sir Ralph Woodford or Lord Stanmore, the predictions contained in the article of the *Port-of-Spain Gazette* which is quoted above might in great part, if not entirely, have been fulfilled. Even they, however, would have found it a difficult task to carry out the instructions of a Government so weak and vacillating as that by which England was governed at that time. The statesmen of 1838 do not seem to have been able to devise any means, save the absurd plan of apprenticeship, to break the shock which they were perfectly well aware must result from the Emancipation of the slaves. In their dread of unpopularity if they opposed the powerful party of which the Anti-slavery Association was the head, they allowed themselves to be forced into a policy in connection with the West India labour question, the effects of which are felt throughout those colonies to the present day. Yielding to the pressure brought to bear upon them, they saw, or affected to see, an insidious attempt to re-introduce slavery, in every measure suggested from the colonies which had for its object to induce, and even if necessary to compel, the adoption of industrious habits by the emancipated blacks. Labour laws, Immigration laws, laws for the suppression of Vagrancy, were introduced one after the other, all pointing to the same end, only to be disallowed as soon as they reached Downing Street, where it seems to have been decided that a less stringent system of legislation was needed for the peasantry of the tropics, where the climate and other causes combine to induce and favour idleness, than for the same class in Britain where the rigorous cold of winter, and a crowded state of the labour market compel men to work if they do not wish to starve. It was to this policy that Sir Charles (afterwards Lord) Metcalfe alluded in a Despatch to Lord John Russell, then Secretary of State for the Colonies. Sir Charles had been appointed Governor of Jamaica with instructions to use all endeavours to put an end to the dead-lock in that Colony which had caused the famous Jamaica Bill of 1839, on which the Melbourne Ministry had gone out of office, to return it is true, but with loss of prestige and greatly weakened. This Despatch is reproduced here as it will fitly close the second volume of this

History by showing the contrast between the policy of Sir Charles Metcalfe in Jamaica and that of Sir George Hill in Trinidad. It is not that policy, as affecting the state of West Indian politics immediately after Emancipation that is worthy of note, but the views of Sir Charles Metcalfe generally, which present so marked a contrast to those by which Trinidad was governed from 1840 to 1865, a period which will be dealt with in another and final volume.

GOVERNMENT HOUSE, JAMAICA,
20th July, 1840.

MY LORD,

" In the concluding remarks of Your Lordship's Despatch, No. 76, on the duty of affording protection to the Queen's subjects who constitute the great majority of the population of Jamaica, I beg leave to express my entire concurrence. No person in the world can be more sensible of the weight of that obligation than the Governor, who, in addition to the calls of humanity and public duty, has the further motive that his reputation depends upon the fulfilment of that purpose.

The only question is, how it can best be accomplished, whether by *riding rough-shod over the island institutions and knocking down right and left* everything that stands in one's way, or by cordially co-operating with the island authorities, legislative and executive, profiting by their good feelings, *taking them by the hand and leading gently to every desired improvement, respecting their just rights as well as those of others*, and above all, by not suspecting and distrusting them. The latter is the course which naturally presented itself to me, and if Your Lordship will allow me to proceed in it, I will answer for this decidedly, that the people shall be efficiently protected.

Applying the question to legislation, I would say that I know no limit to the improvement to our legislation that might be effected by gentle means. If Your Lordship would send me the most perfect code of laws in the world, securing in the utmost degree the liberty and protection of the subject, I could almost engage that it should be adopted as the code of Jamaica. I would say the same as to any amendments of any existing laws that can be suggested, provided that they came freely as improvements; but if the impression be produced, however mistaken, that our well meant, albeit imperfect, legislation is received with suspicion and distrust; examined with a censorious spirit; rejected and hurled back upon us branded with the opprobrium of designed injustice and oppression; that what is deemed just and good law for the free people of England is reprobated as the reverse because it is enacted in Jamaica; that affection and care are entertained for only one class, and that all others are regarded with injurious prejudice; then disgust must arise, which would be followed by dissatisfaction and its consequences. The island could only in that case be governed by the main force

and coercion of the Mother Country. I am only endeavouring to point out the opposite workings and effects of different systems, and by inference, the consequences to be expected, according to the inclination which Your Lordship's measures may seem to have towards the one or the other. I am sure that Your Lordship's intentions are both just and generous, but much it appears to me depends on the way in which the most generous designs are pursued."

It was not until April, 1840, that Colonel Mein was relieved of the duties of Acting Governor by Sir Henry McLeod who arrived on the 12th of that month and was sworn in on the following day. With his arrival or almost immediately after it, began the long period of domination of the ultra-English Party, both in Church and State, and it is therefore fitting that with his Government should open the third and last volume of this History.

APPENDIX.



THE Cedula of Population so constantly alluded to in the controversy between Sir Ralph Woodford and the Committee of Landholders is a rare document, not easily accessible. It is therefore here published as an Appendix.

(TRANSLATION.)

24th November, 1783.

I, THE KING.

WHEREAS, by my instructions of the third of September, one thousand seven hundred and seventy-six, to Don Manuel Falqués, Captain of Foot, who was then appointed Governor of my island of Trinidad to Windward; and by the commission which I afterwards gave to Don Joseph de Abalos, appointing him Intendant General of the Province of Caracas, I thought proper to establish regulations, and to grant various privileges for the population and commerce of the said island; I have now resolved on the representation of the said Intendant, and at the instance of certain colonists already established in the said island, and others who request permission to settle therein, to establish complete instructions in the following articles:—

Article 1st.—All foreigners, the subjects of powers and nations in alliance with me, who are desirous of establishing themselves, or who are already settled, in the said island of Trinidad, shall sufficiently prove to the government thereof, that they are of the Roman Catholic persuasion, without which they shall not be allowed, on any account, to settle in the same; but the subjects of these my dominions, or those of the Indies, shall not be obliged to adduce such proof, because no doubt can arise as to their religion.

Article 2nd.—All foreigners who shall be admitted, agreeably to the foregoing article, to reside in the said island, shall take, before the Governor thereof, the oath of fealty and submission; by which they shall promise to obey the laws and general ordinances to which Spaniards are subject; and immediately there shall be granted to them, in my Royal name, gratuitously for ever, the lands proportionally mentioned according to the following rule.

Article 3rd.—To each white person, of either sex, four fanegas and two-sevenths; and the half of that quantity of land for each negro or coloured slave, which the settlers shall introduce; the lands to be so distributed, that every one may participate of the good, middling and bad; the assignments of lands to be entered in a book of registry, with

insertion of the name of each settler, the day of his or her admittance, the number of individuals composing his or her family, their rank, and from whence they came; and copies of such entries shall be given to them, to serve as titles to their property.

Article 4th.—Free negroes and coloured people, who, as planters and heads of families, establish themselves in the said island, shall have one-half of the quantity of land, as is above assigned to the whites, and the same proportion for each slave they introduce; the proper documents to be given to them, as to the whites.

Article 5th.—When the settlers shall have resided five years in the said island, and bound themselves to an entire residence therein, they shall receive all the rights and privileges of naturalization, as likewise their children, whether brought by them to the island, or born therein; and, consequently shall, be admitted to all honourable public employments, and to posts in the militia according to their respective capacities and circumstances.

Article 6th.—That no capitation money or personal tribute, however small, shall be imposed upon the inhabitants at any time, save and except the annual sum of one dollar for each negro or coloured slave, to be paid after a ten years residence in the said island; and that the said proportional sum shall never be augmented.

Article 7th.—During the first five years of residence, the Spanish and foreign settlers shall have liberty to return to their countries or former places of abode; in which case they shall be allowed to take from the said island, all the goods and property by them introduced into the same, without paying any duties upon exportation; but must pay for all property acquired by them during their residence in the said island, the sum of ten per cent. It is to be well understood however, that the lands which shall have been assigned to such settlers, who afterwards voluntarily quit the island, shall devolve to my royal patrimony, to be given to others, or disposed of as shall appear to me most fit.

Article 8th.—I grant to the former and recent settlers who, not having necessary heirs, make, by last will and testament a disposition of their property, the power of bequeathing their estate to their relations or friends wherever they may be; and if these choose to settle in the said island, they shall enjoy the privileges granted to the persons whom they succeed; but if they prefer withdrawing the property from the said island, they may do so, upon paying fifteen per centum upon the whole by way of duty on exportation; that is, if the testator has lived more than five years in the said island; and if the residence of the testator has been within that period, they shall only pay ten per cent. as is provided in the last article. And the fathers, brothers and sisters, or relations, of those who die intestate, shall succeed without any diminution to their estate, provided that they are Catholics and domiciled in the said island, even should they be settled in foreign countries, and if they should not be able, or do not wish to be enrolled among the inhabitants of the said island, I do hereby give them permission to dispose of

the property of the successions by sale or cession, according to the rules laid down in the foregoing article.

Article 9th.—I do also give permission to all the settlers, who, according to the Spanish law, have the disposition by testament, or otherwise, of their real property, to bequeath the same, if it does not admit of a convenient division to one or more of their children, provided the legal portions of the others, or that of the widow of the testator, be not injured thereby.

Article 10th.—Any settler who, by reason of any lawsuit, or other just and pressing motive, may require to go to Spain, to any other province of my Indies, or to foreign dominions, shall request permission from the Governor, and obtain the same, provided it be not to an enemy's country, or to carry away property.

Article 11th.—Spanish and Foreign settlers shall be free from the payment of tithes, or ten per cent. on the produce of their lands for ten years; and after that period (to be computed from the first day of January, one thousand seven hundred and eighty-five,) they shall only pay half tithes, that is five per cent.

Article 12th.—They shall also be free for the first ten years, from the payment of the royal duty of alcabala on the sales of their produce and merchantable effects; and shall afterwards only pay an equivalent for the said duty of five per cent.; but whatever shall be embarked for these Kingdoms in Spanish vessels, shall be for ever exempt from any duty on exportation.

Article 13th.—As all the inhabitants should be armed, even in time of peace, to keep the slaves in subjection, and resist any invasion, or the incursion of pirates: I do hereby declare, that such obligation is not to render them responsible to the duties of a regular militia, but they are only to present their arms for inspection, in review before the Governor, or some officer appointed by him every two months; but in time of war, or an insurrection of the slaves, they shall assemble together for the defence of the island, in such way as the Commander in Chief thereof may direct.

Article 14th.—All vessels belonging to the former or recent settlers, whatever may be their tonnage or make, shall be carried to the said island, and enrolled therein, and the proofs of the property in them enregistered, upon which they shall be accounted Spanish vessels; as also such vessels as may be acquired from foreigners by purchase, or other legal title, until the end of the year one thousand seven hundred and eighty-six; the said vessels to be free from the duty paid in qualifying foreign vessels for the Spanish trade. And such as wish to build vessels in the said island shall have free access to the woods required by Government, save and except those which may be destined for the building of vessels for the Royal Navy.

Article 15th.—The commerce and introduction of slaves into the said island shall be totally free of duties for the term of ten years, to be reckoned from the beginning of the year one thousand seven hundred

and eighty-five, after which period the colonists and traders in slaves shall only pay five per cent. on their current value at the time of their importation; but it shall not be legal to export slaves from the said island to any other of my Indian dominions, without my royal permission, and the payment of six per cent. on their importation into other my dominions as aforesaid.

Article 16th.—The said settlers shall be permitted, having first obtained a licence from the Government, to go to the islands in alliance with me, or the neutral ones to procure slaves, either in vessels belonging to, or freighted by them, being Spanish bottoms; and to export for the payment of the said slaves, the necessary produce, goods, and property, on payment of five per cent. on exportation; the said duty to be paid by the traders in slaves, who, with my permission, import them to the said island, besides the duty on their entry; from all which I have freed the settlers, in order to excite agriculture and commerce.

Article 17th.—The intercourse of Spain with the inhabitants of Trinidad, and the exportation of licensed produce from the said island to my American islands and dominions shall be entirely free of all duties for the space of ten years, to be reckoned from the first day of January, one thousand seven hundred and eighty-five, at the expiration of which time, all the articles which are exempted by the last article of free commerce from payment of duties on entry into these Kingdoms, shall likewise be free, nor shall any more impositions be levied than those which the productions of my other West India dominions are liable to.

Article 18th.—All Spanish and foreign merchandize, and the wine, oil, and spirituous liquors, the produce of these my Kingdoms, which shall be entered and exported to the said island, shall be free of all duty for the said term of ten years, and shall also be introduced and circulated therein free of duty, but are not to be exported therefrom to any of my other Indian dominions; but if they should be permitted to be exported therefrom, for any urgent or just cause, such permission shall only extend to Spanish goods, and that on payment of the duties fixed by the said article of free commerce.

Article 19th.—In order to facilitate every means by which the population and commerce of the said island can be increased, I do hereby permit, for the said term of ten years, (to be computed from the beginning of the year one thousand seven hundred and eighty-five), all vessels belonging to the same, or to my subjects in Spain, to make voyages to the said island with their cargoes directly from those ports of France where my Consuls are resident, and to return directly to the said ports with the fruits and produce of the said island, except money, the exportation whereof by that route I absolutely prohibit; subject, however, to the following obligation, on the part of the said Consuls, which is not to be dispensed with; that they shall draw up a particular register of every thing embarked, and sign, seal, and deliver the same to the captain or master of the vessel, so that he may present the same to the officer charged with the receipt of my Royal Revenues in the said island of Trinidad; and subject likewise to the payment for the introduction of

the goods and merchandize into the said island, of the sum of five per cent., and the same amount on such produce as shall be exported from the same, and carried to France, or to any foreign port, without touching at any one of the Spanish ports which are licensed to trade with the Indies.

Article 20th.—In case of urgent necessity (to be attested by the Governor,) I do hereby grant to the inhabitants of the said island, the same permission as is contained in the foregoing article, under the precise condition that the captains or masters of the vessels, do make accurate invoices of their cargoes, and deliver the same to the proper officers in the said island; so that by comparing the said invoices with the goods imported, the said duty of five per cent. may be levied on the then current value of the said goods at the said island of Trinidad.

Article 21st.—In order that the former and recent inhabitants may be furnished with the most necessary supplies for their maintenance, their industry and agriculture; I have given the most stringent orders to the Commanders in Chief of the provinces of Caracas, to purchase on account of my royal revenue, and transport to the said island, horned cattle, mules and horses, to be delivered to the said settlers at first cost, until such time as they have sufficient stock to supply themselves.

Article 22nd.—I have likewise given the same order for the supplying the said island with flour and meal for the term of ten years; and that if, by any accident, a scarcity should take place, the Governor shall permit the inhabitants to go with their own vessels, or those of others my subjects, to the foreign islands to purchase what they stand in need of; and for that purpose to export such produce as may be necessary, paying on exportation, the sum of five per cent., and the same proportion on the flour and meal imported into the said island.

Article 23rd.—I have likewise ordered that all matters and things of the manufacture of Biscay and the rest of Spain, which may be required by the settlers for their agricultural pursuits, shall be imported into the said island, and given to the settlers at prime cost for the said term of ten years; but after that period, each person must provide himself, and if during that period there be an urgent necessity for those matters and things, the settlers shall be allowed to procure them from the foreign islands belonging to Powers in alliance with me, subject to the same duties as the flour and meal.

Article 24th.—I have likewise ordered, that two secular or regular priests, of known erudition and exemplary virtue, and skilled and versed in foreign languages, shall be appointed to reside in the said island to serve as new parish priests to the settlers, and I shall assign to them the necessary stipends, to enable them to live in the decent manner which their character requires, without being any charge to their parishioners.

Article 25th.—I permit the former and recent settlers to propose to me, through the medium of the Governor, such ordinances as shall be most proper for the regulating the treatment of their slaves and prevent-

ing their flight; and, at the same time, to point out such rules as the Governor shall observe relative to this article, and the reciprocal restitution of fugitive slaves from other islands belonging to foreign powers.

Article 26th.—I also enjoin the said Governor to take the utmost care to prevent the introduction of ants into the said island, which have done so much injury in the Antilles; and for that purpose, to cause the equipage and effects of the settlers arriving at the said island to be severally examined; and as the inhabitants are the persons most interested in the execution of this order, they shall propose to the Government two of the most active and proper persons to examine the vessels, and zealously watch over the observance of this point.

Article 27th.—When the crops of sugar become abundant in the said island of Trinidad, I shall allow the settlers to establish refineries in Spain, with all the privileges and freedom from duties which I may have granted to any natives or foreigners who shall have established the same; and I will allow in due time the erection of a Consular Tribunal to increase and protect agriculture, navigation and commerce; and I have charged the Governor in his private instructions, and the other judges of the said island, to take care that all the inhabitants, Spaniards and foreigners, be well and humanely treated, and justice equitably administered to them; so that they may not meet with any molestation or prejudice, which would be greatly to my royal displeasure.

Article 28th.—Lastly, I grant to the former and recent settlers the privilege, whenever they have questions to ask me worthy of my royal consideration, of directing their representations to me through the medium of the Governor and the Chief Secretary of State for the Indies; and if the matters are of that nature that require a person to be sent on their account, the inhabitants shall request permission to that effect, and I will grant the same, if just.

And that the articles contained in this ordinance be duly carried into effect, I grant a dispensation from all laws and regulations contrary to them, and I command my Council of the Indies, and the chanceries and audiences thereof, Presidents, Captains General and Commander in Chief, Ordinary Judges, Ministers of my Royal revenue, and my Consuls in the ports of France, to keep, fulfil and execute, and cause to be kept, fulfilled and executed, all the rules and regulations contained in this my Cedula.

Given at the royal palace of San Lorenzo, on the twenty-fourth day of November one thousand seven hundred and eighty-three, sealed with my privy seal, and countersigned by my Secretary of State and of the general administration of the Indies, undersigned.

(Signed) I, The KING.

(Countersigned) *Joseph de Galvez.*

cess Charlotte, and the Victory at
 Waterloo on behalf of certain Slaves for
 their Manumissions
 Deposits under the Governor's Orders,
 consisting of small items paid into the
 Treasury at different times since 1819.
 Judicial Deposits
 The Treasury of Great Britain
 The Board of Ordinance
 Quarter of Diego Martin
 Savings Bank
 Indemnified Africans' Fund
 Parliamentary Grant in aid of Negro
 Education

Total Liabilities of the Treasury ...

63,542 6 3

Cash Balance on 31st December, 1837 ...
 Amount of Debts due to the Colony ...

£ s. d.
 90,567 1 3
 17,870 17 7

Amount of the Liabilities of the Colony

Balance of Colonial Revenue on 31st December, 1837...

34,865 12 8

Agent General's Account.

Balance in the hands of the Agent
 General in London on the 31st Dec.
 1836 ...

Retired Allowances to the following
 persons, viz:—

P. D. Souper, as late Col. Secretary ...
 A. Gordon, as late Naval Officer ...
 J. Chapman, as late Island Secretary
 and Register ...
 W. Jones, as late Colonial Storekeeper
 H. T. Short, as late Agent ...
 H. Mackworth, as late Alguacil Mayor
 (not yet reported), say ...
 Salary to the Agent General ...
 Contingencies ...

Probable Amount paid by Agent)
 General ...

Probable Balance on 31st Dec., 1837 ...

STERLING.
£ s. d.

10,859 3 2

STERLING.
£ s. d.

3,000 0 0

7,859 3 2

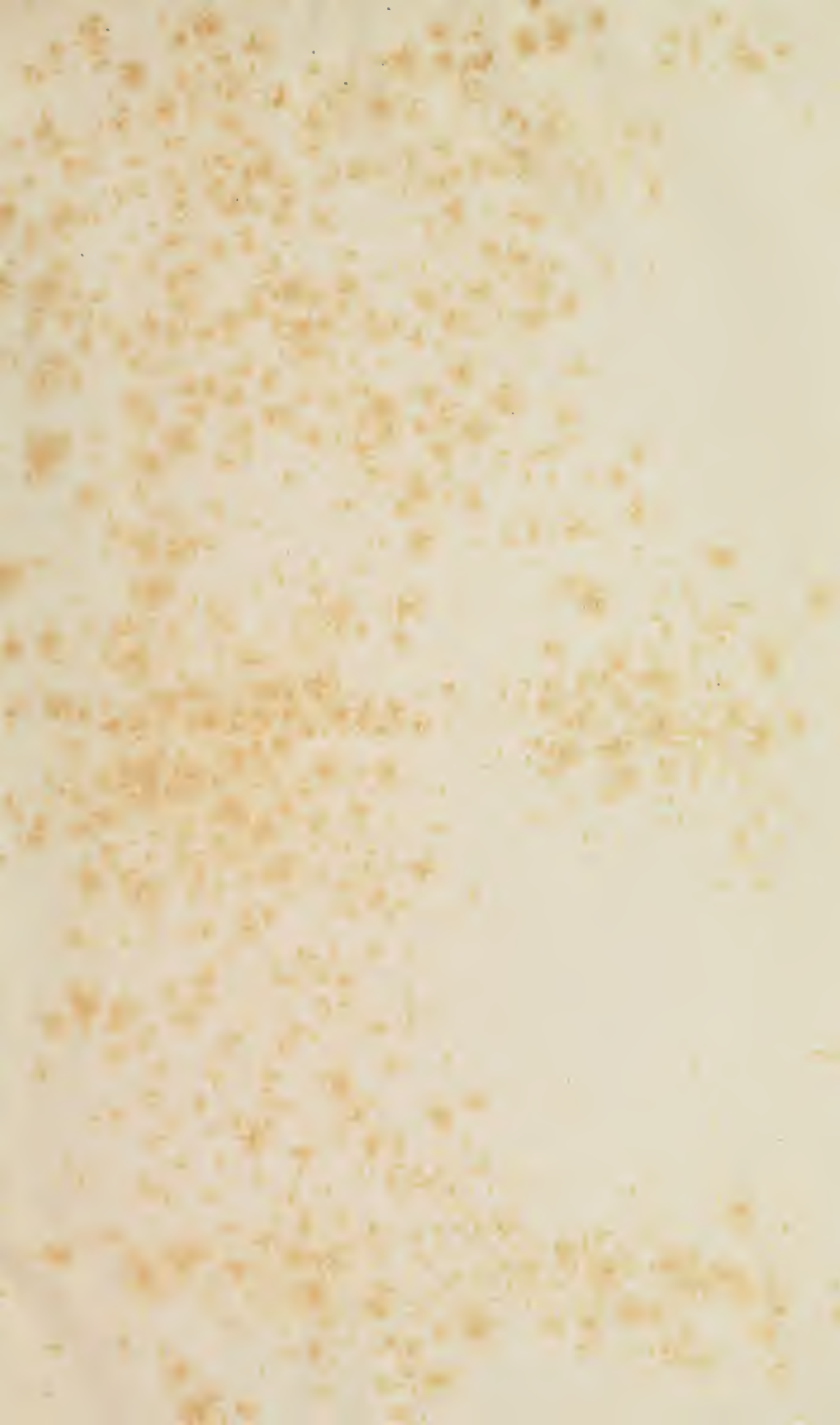
REMARKS.

The Salaries of the Civil, Judicial, and Ecclesiastical Establishments for
 the 4th Quarter of 1837 are not brought to Account, not being payable till
 January, 1838, but amount to £5,461 11 8 Sterling.

The Sum of £618 2 3 Sterling is not included in this Account, being still
 due on the Salaries of the Judicial Establishment for 2nd and 3rd Quarters of
 1837, the parties not having drawn the same.

The Arrears of Revenue and Legacy Duty are in course of recovery.

P. A. GANTEAUME,
Acting Col. Treasurer.

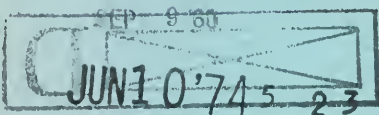


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